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United Nations Environment Programme

Report of the Governing Council

Seventh special session (13-15 February 2002)

General Assembly

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Note

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Contents

Chapter		*Page*
	Introduction	1
I.	Organization of the session	2
	A. Opening of the session	2
	B. Attendance	4
	C. Officers	6
	D. Credentials of representatives	6
	E. Adoption of the agenda	6
	F. Organization of the work of the session	7
II.	Account of proceedings	8
III.	Report of the Committee of the Whole	17
IV.	Adoption of the report	18
V.	Closure of the session	19
Annexes		
I.	Decisions adopted by the Governing Council at its seventh special session/Global Ministerial Environment Forum	20
II.	Report of the Committee of the Whole	47
III.	List of documents before the seventh special session of the Governing Council/Global Ministerial Environment Forum	52

INTRODUCTION

1. The seventh special session of the Governing Council of the United Nations Environment Programme (UNEP)/Global Ministerial Environment Forum was held in Cartagena, Colombia, from 13 to 15 February 2002. It was convened in pursuance of paragraph 1 (g) of Governing Council decision 20/17 of 5 February 1999, entitled "Views of the Governing Council on the report of the Secretary-General on environment and human settlements"; paragraph 6 of General Assembly resolution 53/242 of 28 July 1999, entitled "Report of the Secretary-General on environment and human settlements"; and paragraph 5 of General Assembly resolution 40/243 of 18 December 1985, entitled "Pattern of conferences"; and in accordance with rules 5 and 6 of the rules of procedure of the Governing Council.

CHAPTER I

ORGANIZATION OF THE SESSION

A. Opening of the session

2. The seventh special session of the Governing Council of UNEP was opened at 10 a.m. on Wednesday, 13 February 2002, by Mr. David Anderson, President of the Council.

3. In his opening statement, Mr. Anderson expressed his deep appreciation to the Government of Colombia for the warm reception and very generous hospitality extended to participants and for the excellent facilities placed at their disposal.

4. He acknowledged that the progress made since the United Nations Conference on Environment and Development in Rio was not enough but noted a growing appreciation of the linkages that existed between environment, health and poverty. The Rio Summit had built an architecture for action and the World Summit for Sustainable Development in Johannesburg must renew the will to create real change. The international community had since evolved in ways that no one could have predicted and the current challenge in Cartagena was to clarify how the environmental voice could be brought fully, clearly and effectively into the debates leading to the World Summit in Johannesburg and in the work that would take place long after the Summit.

5. There was a need to strengthen UNEP so that it could play a more active role in global decision-making and in integrating environmental considerations into discussions on development, poverty alleviation, trade, social development and health. The push for globalization must also be broadened to address social and environmental concerns through strong institutions and mechanisms to translate commitments into action. To date, gaps in environmental governance were a fundamental reason for the gap between goals and results. The responses of the international community had all too often lacked coherence. It was therefore essential to develop a model of sound environmental governance that could serve as the basis for sustainable international development and poverty eradication.

6. Real development, he said, must be sustainable and must permit the countries of the south and countries with economies in transition to gain access to the tools of the new century so that they could bypass the mistakes and technologies of the twentieth century. Civil society, and in particular the private sector, must also be truly engaged in the process. He noted in conclusion that one of the basic lessons of history was that, for countries, communities and humankind to grow and flourish, a decent quality of life must be assured for the largest number of people. There could be no lasting peace when poverty, hunger, disease and pollution cast their shadows on billions of people each day.

7. The keynote address was delivered by Nobel Laureate, Ms. Rigoberta Menchú Tum, who said that Cartagena should be a pause on the road from Rio to enable the international community to renew the political will and spiritual energy that were needed to counter the predatory designs of unchecked greed and destruction. The Rio Summit had established in binding legal texts the interrelationship between the economic, social, environmental and cultural aspects of development and was an ethical and political covenant to redistribute power, resources and opportunities both within and between countries. Its greatest failing lay in the institutional and financial aspects. Half of mankind still subsisted on less than $2 a day and one out of every three children under the age of five was malnourished. In the meantime, the level of official development assistance remained far below the 0.7 per cent of gross domestic product that had been promised, while assistance for agriculture had fallen by two thirds during the previous decade.

8. Indeed, the Rio commitment to development and equity seemed to have been replaced by a concept of security that identified diversity as the principal threat. But cultural diversity mirrored natural diversity and every time a forest was razed or a language lost, a form of civilization was amputated and an act of genocide committed. For thousands of years, indigenous peoples had learned from nature how to live in harmony with all of nature's elements. Those vast and complex relationships contained for them the most

profound wisdom and spirituality and as such were inviolable. Security for indigenous peoples was the security of stability founded on justice, the recognition of their right to self-determination, access to and complete control over the resources of their ancestral lands, and respect for the sacred nature of the earth. Seen in that light, security was the roof of the shared home of the planet and should not serve as a pretext for aggression, just as war should not continue to serve as the locomotive of the economy and of science.

9. She reminded the Ministerial Forum of its political responsibilities, on which the environmental governance of the planet and hence world peace depended. The international community could not continue to smother the gravity of the current situation in euphemisms and maintain its cosy accommodation with disaster. The Rio commitments must be turned into a code for living in and sharing the world. To that end, the Forum should extend the participatory framework for the Johannesburg Summit to social movements and civil organizations. Development required participation if it was to be sustainable, just as democracy needed participation if it was to be extended to all men and women of the Earth.

10. Mr. Shafqat Kakakhel, Deputy Executive Director of UNEP read out a message from the Secretary-General of the United Nations, Mr. Kofi Annan, who reminded the members of the Global Ministerial Environment Forum of their responsibility to provide, as their contribution to the Johannesburg Summit, a coherent vision of the environmental dimension of sustainability. Sustainable development could not be achieved without linkages between environmental issues and poverty eradication, human rights and peace-building. The forthcoming Summit must move from the vision expressed in Agenda 21 into the realm of practical steps, partnerships and political will. He welcomed the reactions from Governments to his report to the Commission on Sustainable Development acting as the Preparatory Committee for the World Summit for Sustainable Development and hoped that the Forum would use its power to guide Governments into breaking with unsustainable practices that imperiled the common future.

11. In his remarks, the Executive Director of UNEP, Mr. Klaus Töpfer, said that Ministers of the Environment had committed themselves in the Malmö Declaration to a new vision for sustainable development. The forward-looking and optimistic conclusion of that Declaration was that the human and material resources were available to achieve sustainable development not as an abstract concept but as a concrete reality. The Nobel Prize recently awarded to the United Nations and its Secretary-General was in recognition of the organization's role in promoting a culture of peace and cooperation, in combating poverty, and in protecting the biodiversity of life, including indigenous cultures. Peace, in particular, was essential for development and he saluted the tireless efforts of the President of Colombia, Mr. Andrés Pastrana Arango, following in the footsteps of his father, to bring peace to Colombia.

12. The spirit of Rio had given birth to Agenda 21 and to the Rio principles, but it had not provided for measures to hold decision makers accountable. The Johannesburg Summit must therefore prove that the commitments embodied in the Malmö and Rio Declarations could be implemented by 2015 in order to achieve responsible prosperity for all through greater investments in such areas as health, food security and protection of the ecosystem. To that end, consumption patterns in the developed countries had to be changed and social partnerships established to combat hopelessness, indifference, ignorance and social injustice.

13. UNEP, non-governmental organizations and the private sector were all partners in the coalition to promote responsible prosperity for all. In that connection, UNEP would welcome the advice of Ministers of the Environment to sharpen its focus and strengthen its structures for the promotion of international environmental governance through capacity-building and education.

14. Addressing the Forum, the President of the Republic of Colombia said that, 10 years after the Rio Summit, the world was moving further away from the concept of balance between the economy, society, the environment and culture. Globalization, with all its advantages and disadvantages, had become a reality, but it was increasing the gap between rich and poor. Economic instability in many countries called into question the prevailing development models.

15. The world was also facing another enemy, terrorism, which undermined sustainable development. In his own country, armed groups were using water as a weapon by sabotaging water systems and were

causing grave damage to the environment by attacking oil pipelines. Protection of the environment must be a priority in negotiations with subversive groups. Drug trafficking was in fact the main cause of deforestation in Colombia. His Government applied a policy of crop substitution and, where warranted, eradication, to combat a scourge that was responsible for polluting its soils and rivers with precursor chemicals.

16. Humanity was ready to face the challenges to the environment caused by its own actions. In his view, there were five challenges for sustainable development, namely, construction of a new global ethic; addressing without delay current global environmental problems; implementing and enforcing the commitments that had already been given; utilizing science and technology for the benefit of humanity; and the greatest challenge, achieving world peace in order to prevent the terrible environmental damage caused by war.

17. Since its creation in 1972, UNEP had given impetus to the promotion of greater global awareness of the importance of the protection and sustainable use of the environment. The role of the Programme and its resource base should therefore be strengthened. The first step towards translating political will into reality was to put aside individual interests in order to make human life on Earth sustainable. If 10 years of efforts had not produced the desired results, he concluded. then it was time to seize the opportunity to redesign the international governmental architecture for the environment as part of the broader process of development.

B. Attendance

18. The following States members of the Governing Council were represented at the session:[1]

Antigua and Barbuda
Argentina
Belgium
Benin
Brazil
Burkina Faso
Canada
China
Colombia
Congo
Cuba
Czech Republic
Denmark
Egypt
Equatorial Guinea
France
Gambia
Germany
Greece
India
Indonesia
Iran (Islamic Republic of)
Italy
Japan
Kenya
Libyan Arab Jamahiriya
Mexico
Myanmar
Netherlands
New Zealand
Nicaragua
Nigeria
Pakistan
Poland
Republic of Korea
Republic of Moldova
Romania
Russian Federation
Samoa
Saudi Arabia
Senegal
Slovakia
Suriname
Switzerland
Thailand
Turkey
Uganda
United Kingdom of Great Britain and Northern Ireland
United States of America
Zimbabwe

[1] The membership of the Governing Council was determined by elections held at the 38th plenary meeting of the fifty-fourth session of the General Assembly, held on 25 October 1999 and the 29th plenary meeting of the fifty-sixth session held on 22 October 2001.

19. The following States not members of the Governing Council but Members of the United Nations or members of a specialized agency were represented by observers:

Albania
Algeria
Armenia
Australia
Austria
Bangladesh
Bolivia
Bosnia and Herzegovina
Botswana
Bulgaria
Burundi
Cambodia
Chile
Costa Rica
Côte d'Ivoire
Croatia
Djibouti
Dominican Republic
Ecuador
El Salvador
Fiji
Finland
Guatemala
Iceland
Iraq
Ireland
Israel
Jamaica
Jordan
Kazakhstan
Kiribati
Kyrgyzstan
Lao People's Democratic Republic
Latvia
Lithuania
Luxembourg
Malawi
Malaysia
Mali
Mauritius
Monaco
Mongolia
Morocco
Nepal
Norway
Oman
Panama
Paraguay
Peru
Philippines
Portugal
Saint Vincent and the Grenadines
Slovenia
South Africa
Spain
Sri Lanka
Sweden
The former Yugoslav Republic of Macedonia
Tunisia
United Republic of Tanzania
Uzbekistan
Venezuela

20. The observers for the Holy See and Palestine to the United Nations also participated.

21. The following United Nations bodies, Secretariat units and convention secretariats were represented:

Centro de Informacion de las Naciones Unidas para Colombia, Ecuador y Venezuela
Economic Commission for Latin America and the Caribbean
United Nations Office for the Coordination of Humanitarian Affairs
United Nations – Human Settlements Programme (UN-Habitat)
United Nations Convention to Combat Desertification in those Countries Experiencing Serious Drought and/or Desertification, particularly in Africa
United Nations Department of Economic and Social Affairs
United Nations Development Programme
United Nations University
Convention on Biological Diversity
United Nations Framework Convention on Climate Change
Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES)
Convention on the Conservation of Migratory Species of Wild Animals (CMS)
Convention on Wetlands of International Importance especially as Waterfowl Habitat
Secretariat for the Vienna Convention for the Protection of the Ozone Layer

Secretariat for the Convention on the Control of Transboundary Movement of Hazardous Wastes and their Disposal
Caribbean Environment Programme/Regional Coordinating Unit
Coordinating Unit for the Mediterranean Action Plan

22. The following specialized agencies were represented:

Food and Agriculture Organization of the United Nations (FAO)
United Nations Educational, Scientific and Cultural Organization (UNESCO)
United Nations Industrial Development Organization (UNIDO)
World Health Organization (WHO)
World Meteorological Organization (WMO)
World Trade Organization (WTO)

23. The following intergovernmental organizations were represented:

Agence Intergouvernmentale de la Francophonie
Commonwealth Secretariat
European Community
Latin American Parliament (Parlatino)
World Conservation Union (IUCN)

24. In addition, representatives of non-governmental and private-sector organizations also attended as observers. The full list of participants is contained in UNEP/GCSS.VII/INF/11/Rev.1.

C. Officers

25. The officers elected by the Governing Council at its twenty-first regular session continued to serve in their respective capacities at the seventh special session, in accordance with rule 19 of the rules of procedure. Accordingly, the officers of the Council at the seventh special session/Global Ministerial Environmental Forum were as follows:

President:	Mr. David Anderson (Canada)
Vice-Presidents:	Mr. Fabio Fajardo Moros (Cuba) Mr. Tupuk Sutrisno (Indonesia) Ms. Ewa Symonides (Poland)
Rapporteur:	Mr. Kezimbira Miyingo (Uganda)

D. Credentials of representatives

26. In accordance with rule 17, paragraph 2, of the rules of procedure, the Bureau examined the credentials of representatives attending the session. The Bureau found the credentials in order and so reported to the Council, which approved the Bureau's report at the 7th plenary meeting, on 15 February 2002.

E. Adoption of the agenda

27. At the 1st plenary meeting, the Council adopted the following agenda for the session, on the basis of the provisional agenda (UNEP/GCSS.VII/1):

1. Opening of the session.

2. Organization of the session:

(a) Adoption of the agenda;

(b) Organization of the work of the session.

3. Credentials of representatives.

4. Report on international environmental governance.

5. Contribution of the United Nations Environment Programme to the World Summit on Sustainable Development.

6. Report on the implementation of the decisions of the twenty-first session of the Governing Council/Global Ministerial Environment Forum.

7. Other matters.

8. Adoption of the report.

9. Closure of the session.

F. Organization of the work of the session

28. At the 1st plenary meeting, the Council considered the organization of the work of the session in the light of the recommendations contained in the annotated provisional agenda and organization of work and the provisional timetable of meetings suggested by the Executive Director (UNEP/GCSS.VII/1Add.1).

29. The Council agreed that the following agenda items would be addressed in plenary meetings organized in the form of ministerial consultations: item 4 (Report on international environmental governance) and item 5 (Contribution of the United Nations Environment Programme to the World Summit on Sustainable Development).

30. It was agreed that items 3 (Credentials of representatives), 7 (Other matters), 8 (Adoption of the report) and 9 (Closure of the session) would be dealt with in the final plenary meeting on Friday, 15 February 2002.

31. The Council also decided to set up a Committee of the Whole, under the chairmanship of Mr.Tupuk Sutrisno (Indonesia), Vice President of the Council, to address agenda item 6 (Report on the implementation of the decisions of the twenty-first session of the Governing Council/Global Ministerial Environment Forum).

32. The Council further decided to set up an open-ended working group, under the chairmanship of Mr. Juan Mayr (Colombia) to consider outstanding issues of the report of the Open-ended Intergovernmental Group of Ministers or Their Representatives on International Environmental Governance and report back to the plenary.

CHAPTER II

ACCOUNT OF PROCEEDINGS

A. Report on international environmental governance

33. At its 2nd plenary meeting, on 13 February 2002, the Council/Forum took up its consideration of the above agenda item (item 4). Introducing the item, the President briefly described the background and mandate of the Open-ended Intergovernmental Group of Ministers or Their Representatives on International Environmental Governance, as set out in Governing Council decision 21/21. Describing the process which had led to the drafting of the President's report on international environmental governance (UNEP/IGM/SS), he recalled that decision 21/21 also required that the current session of the Governing Council/Global Ministerial Environment Forum should undertake an in-depth discussion of the report, with a view to providing input on the future requirements of international environmental governance to the tenth session of the Commission on Sustainable Development, acting as the Preparatory Committee for the World Summit on Sustainable Development. He explained that the fifth meeting of the Open-ended Intergovernmental Group, which had been held immediately prior to the current session, had established two working groups to consider the outstanding elements of the draft report of the President, and he invited the Chairs of those groups to present their reports to the Forum.

34. Mr. Phillippe Roch, Secretary of State, Switzerland, Chair of Working Group I, said that the group had considered the draft recommendations of the Open-ended Intergovernmental Group, as contained in part III of the draft report (UNEP/IGM/SS), sections A (Improved international policy-making – the role and structure of the Global Ministerial Environment Forum), B (Strengthening the role, authority and financial situation of UNEP), and E (Enhanced coordination across the United Nations system – the role of the Environmental Management Group). He reported that, while a great deal of consensus had been reached, many proposals for amendment had been received and the group had been unable to present an agreed compromise text of the relevant sections to the Forum. A separate contact group on financial issues had been set up, which held further discussions. He regretted that the Working Group was only able to provide a draft containing bracketed text for the consideration of the Forum.

35. Mr. John Ashe, Chair of the contact group on finance, reported that after an intense exchange of views more time was required to find agreed solutions on the finance-related issues. Opinions had diverged on the main issue of whether UNEP funding should be based on existing voluntary contributions, or an indicative scale of assessed contributions from all members. Options within those alternatives were being formulated and would be submitted to the Forum for further consideration.

36. Mr. Kezimbira Miyingo, Minister of State for the Environment of Uganda, Chair of Working Group II, said that the group had considered the draft recommendations of the Open-ended Intergovernmental Group, as contained in part III of the draft report, sections C (Improved coordination and coherence between multilateral environmental agreements), D (Capacity-building, technology transfer and country-level coordination for the environment pillar of sustainable development), and F (future perspective). He said that, while a large measure of consensus had been reached on much of the text, the text he was presenting had some sections in bold that required further consideration.

37. Based on the President's proposal, the meeting agreed that Mr Juan Mayr, Minister of Environment of Colombia, and Mr. Michael Meacher, Minister of Environment of the United Kingdom, would hold informal consultations and would convene a contact group to address the outstanding issues of the report of the Open-ended Intergovernmental Group.

38. Mr. Cielito Habito presented a statement on international environmental governance from the Civil Society Forum, which had been held in parallel to the current session of the Governing Council/Global Ministerial Environment Forum from 12 to 13 February 2002. He said that the strengthening of international environmental governance must evolve alongside sustainable development governance. Good governance must take into account broad-based rights and public participation in decision-making processes at all levels.

Given the lack of political will to resolve environmental problems and ensure the sustainable use of the Earth's resources, it was clear that the strengthening of environmental governance was imperative. That process began at the regional, national and local levels. Environment ministers and UNEP must work to institutionalize mechanisms for the participation of major groups in sustainable development processes and ensure that national delegations to UNEP meetings included non-governmental representation.

39. The role of UNEP should be strengthened, and the proposal to convert it into a specialized agency should be considered; its mandate should encompass clear goals and be based on the principles of policy integration, broad-based participation, transparency and accountability; its responsibilities should be expanded to include multilateral environmental agreements; its headquarters should be maintained in Nairobi, and its presence strengthened in the regions; its Governing Council/Global Ministerial Environment Forum should be utilized more effectively, on the basis of universal membership, and with the support of better scientific advice; it should receive increased, predictable and stable financial resources; and the work of the Environmental Management Group should be strengthened.

40. Governments should ratify and implement all existing multilateral environmental agreements and should identify and exploit synergies between multilateral environmental agreements; ensure coherent reporting, monitoring and follow-up of the implementation of multilateral environmental agreements; include provisions in all multilateral environmental agreements to ensure compliance and enforcement, and establish a mechanism for environmental dispute settlement; address the issues raised by conflicts between trade, financial and environmental regimes; launch a review process within UNEP to ensure compatibility between policies and processes; and ensure that the application of trade-related rules within multilateral environmental agreements was respected under the World Trade Organization (WTO).

41. Ms. Larraín presented the Civil Society Forum statement on the engagement of civil society in the work of UNEP. Welcoming the proposal to enhance such an engagement, she stated categorically that the future lay with multi-stakeholder organizations. While there was consensus on the need for a civil society forum, the modalities for its establishment required further consultation among all stakeholders.

42. The engagement with civil society should cover the entire spectrum of UNEP activities; non-governmental organizations and civil society organizations should also be actively involved in the pursuit of sustainable development objectives. There should be a three-tier framework to expand the current modes of engagement with UNEP consisting of meetings among major groups prior to major UNEP events, followed by a civil society forum, and a multi-stakeholder dialogue segment as part of the agenda of meeting of the Governing Council/Global Ministerial Environment Forum. Each major group should be permitted to make at least one oral intervention at such meetings, and individual statements should also be permitted. To that end, rule 69 of the rules of procedure should be amended to include all major groups. The specific modalities for implementation of the framework should be developed by civil society in conjunction with UNEP. Governments must allocate adequate and stable resources to enhance the engagement of civil society in the work of UNEP; the trust fund could be inadequate in that respect.

43. Following the above presentations, 41 ministers and heads of delegation made oral contributions. The issues highlighted during the discussion are outlined in the paragraphs below.

44. Environmental governance was considered to be an essential component of sustainable development, and any reform and strengthening of environmental governance would serve its aims, including the eradication of poverty. However, developing countries were not blind to the concern that environmental issues could take attention away from issues of socio-economic development. Reform of environmental governance should be considered as an integrated part of the whole, with all countries playing a role, and acting at the international, regional, subregional and national levels. Environmental considerations needed to be integrated into sectoral policies at the national level, and a greatly strengthened institutional architecture was needed in that area. Instead of creating new structures, it was necessary to make better use of what already existed. It was stated that developing countries feared that attempts to create a new environmental governance architecture could ultimately be to their detriment, as had occurred in the case of WTO. The question was posed whether reform of environmental governance would lead to greater

empowerment of the poorer countries in all environmental structures; would it strengthen the political role of the ministers of the environment; and would it improve coordination?

45. There was wide agreement on the need to strengthen UNEP, within its mandate, as the cornerstone of international environmental governance. Such strengthening should improve the function and role of the organization in areas where critical needs were evident and where a positive track record had been demonstrated, such as assessment and monitoring; capacity-building, e.g. for education, training and application of best practices; scientific assessment for decision-making; and enhanced collaboration with and coordination of the activities of the multilateral environmental agreements. The UNEP regional offices, in particular, should be significantly strengthened to meet the need for a more coherent regional institutional framework. There was also a need for increased synergy with other international organizations. UNEP should also have an enhanced role in technology transfer, which was crucial, with concomitant provision of additional funding to that end. Other areas where UNEP should be strengthened included early-warning and public awareness. Attention was drawn to the need to involve civil society more fully in its work. It was stressed that any strengthening of UNEP should be a matter of evolution and reform, not radical change.

46. While the work of the Environmental Management Group was viewed as satisfactory, it was noted that its terms of reference needed to be clarified. Moreover, improved inter-agency coordination was necessary. The Environmental Management Group should report regularly on its activities to the Governing Council/Global Ministerial Environment Forum. The question of increasing the international profile of environmental questions through the creation of a High Commissioner for the Environment was discussed. On one hand, it was suggested that UNEP should be made into a specialized agency while, on the other, it was observed that that was not an option for the near term.

47. It was observed that the co-location of multilateral environmental agreements offered advantages in terms of improved communications, collaboration, and more effective use of resources. It avoided the problems posed by the fragmentation of bodies with related mandates and the increasing number of environmental meetings at different locations, which placed additional burdens on the developing countries, in particular. An integrated strategic plan for implementation support of multilateral environmental agreements was considered necessary. It was also considered that any discussion on the complementarity of multilateral environmental agreements should take into account the autonomy of their respective conferences of parties. Clustering of secretariat support for the activities of such agreements was proposed. However, it was observed that, while some regional or sectoral clustering might be possible, and could be tried on a pilot basis, compliance and accountability could not be clustered, since it lay within the purview of individual conferences of parties. Coordination also needed to be improved within the United Nations as a whole.

48. Since environmental governance called for adequate funding, the importance of the provision of adequate, stable and predictable financing for UNEP was highlighted. While it was said that the developed countries should provide new and additional financing to that end, to match the commitments made by the developing countries and share the burden, it was also considered that all countries should participate in provision of funding, and that a system to ensure prompt payment should be set up. In that context, attention was drawn to the need to observe the principle of common but differentiated responsibility. It was considered that a voluntary agreed scale of contributions, pledged biennially, would provide the necessary predictability for the Environment Fund of UNEP. A mandatory contribution system would disadvantage certain countries. It was also noted that, over time, UNEP had been encumbered with too many tasks, without being given the requisite back-up to accomplish them. Perhaps it would be better to review priorities and see why UNEP did not attract the necessary funding, possibly through a third-party assessment, rather than constantly strive to obtain new and additional resources.

49. It was noted that the multiplicity of environmental trust funds made it difficult for countries to prioritize their contributions. The need for increased contributions from the private sector and from civil society was pointed out, particularly to cover the programme costs of UNEP. It was recalled that General Assembly resolution 53/242 set the basis for the Secretary-General to approve funding for UNEP from the regular budget, and there were calls for an increase in the funding from that source to cover the administrative costs of UNEP. UNEP should also strengthen its relationship with GEF, within the strategic partnership, with the aim of obtaining additional project funding from that source, and should also enhance its role within the structure of GEF. GEF itself should extend its mandate to cover the financing needs of environmental governance.

50. Concerning the role and structure of the Global Ministerial Environment Forum, views differed on whether participation should be open-ended or restricted. Since universal membership would require amendment of the rules of procedure of the Governing Council, and possible creation of a new United Nations body, it was considered preferable to retain the status quo. It was also considered that General Assembly resolution 53/242 had to be the basis for the Forum's activities and, since its decisions currently had no definitive legal status, it was necessary to clarify its role in setting political and environmental priorities. Any new developments regarding the status of the Forum should be underpinned by General Assembly resolutions.

51. While it was considered that the Forum constituted the cornerstone of the mechanism for environmental governance and that its mandate should be strengthened and focused for the provision of environmental policy and guidance, there was opposition to the idea of turning the Forum into an overarching body to promote new policies in environmental governance. It was also cautioned that any strengthening should not be to the detriment of the Commission on Sustainable Development, which remained the main policy-making body on sustainable development. It was observed that any enhancing of the Forum should not detract from the high-level regional process for environmental governance, within which synergies had already been well developed.

52. The role of the Governing Council/Global Ministerial Environment Forum in monitoring implementation and follow-up of commitments was discussed, as well as the need for it to form synergies with and among multilateral environmental agreements and other international organizations, such as WTO and the World Bank, and with civil society stakeholders. It was observed that all regular sessions of the Governing Council should be held in Nairobi, while special sessions could be held on a rotational basis elsewhere.

53. The head of delegation of the Republic of Korea extended an invitation from his Government to host the eighth special session of the Governing Council/Global Ministerial Forum in his country in 2004. The meeting acknowledged the offer with gratitude and agreed to transmit it to the Bureau for further consideration.

54. At the 5th plenary meeting on 15 February 2002, Mr. Juan Mayr, co-convener of the contact group on international environmental governance, reported on the results of the informal consultations to finalize the report of the Open-ended Intergovernmental Group of Ministers or Their Representatives on International Environmental Governance. Noting that consultations had continued well into the early hours of the morning, he was pleased to announce that a consensus had been reached on the content of the report, which represented the culmination of the past year's efforts by all involved in the series of meetings of the open-ended intergovernmental Group of Ministers. Expressing his thanks to all participants in the negotiations for their sincere and honest efforts, their spirit of compromise, and their political will to arrive at a consensus solution, he expressed particular gratitude for the efforts of Mr. Michael Meacher, co-convenor of the contact group, the co-chairs of the two Working Groups and of the contact group on finance, and the President of the Governing Council.

55. At the 6th plenary meeting, on 15 February 2002, the Council considered and adopted, as amended, a draft decision presented by the President of the Governing Council on international environmental governance. The text of decision SS.VII/1 is set out in annex I. The Council also took note of the report of

the Open-ended Intergovernmental Group of Ministers or Their Representatives on International Environmental Governance, attached to that decision as an appendix.

B. Contribution of the United Nations Environment Programme to the World Summit on Sustainable Development

56. At its 3rd plenary meeting, on 14 February 2002, the Council/Forum heard statements on the above agenda item (item 5) from: Mr. Achim Steiner, Director-General of the World Conservation Union (IUCN) and Mr. Jan Pronk, Minister of Housing, Spatial Planning and the Environment of the Netherlands and Special Envoy of the Secretary-General for the World Summit.

57. In his presentation, Mr. Steiner gave a brief report on the work of his organization to promote sustainable development, particularly in collaboration with civil society. While some considered the implementation of Agenda 21 over the previous 10 years to have been a failure, much had been achieved at the local and national levels, and in collaboration with civil society and the private sector. Agenda 21 was still very central to the work of the upcoming Summit. If there had been any failure in implementation, it had been at the international and intergovernmental levels and in the lack of commitment to share the financial burden and to provide developing countries with the resources promised at Rio. Capacity-building was crucial to the implementation of Agenda 21 and resources had to be made available for the necessary mechanism to enable collaboration in such implementation. Multi-stakeholder partnerships with civil society had to be given concrete form, providing an increased role for civil society and the private sector. That, together with the need for financial commitments to match the commitments entered into by the developing countries, must be stressed at the Johannesburg Summit. In conclusion, he underscored the need to strengthen UNEP in order to enhance the environmental pillar of sustainable development.

58. In his statement, Mr. Jan Pronk described the goals and aims of the Summit and explained that his primary task was to call on Heads of State and Government and invite them to attend the Summit. On behalf of the Secretary-General, he enquired about their political views on the Summit, their pre-Summit national coordination activities, their expectations of the Summit, and the commitments they intended to make there.

59. The Secretary-General had asked him to transmit the following concerns: to ensure a meaningful Summit, Heads of State and Government must make every effort to participate; for the Summit to be truly global, no country should be absent; the World Summit was a conference not on the environment but on sustainable development; the Summit would be more than a review of Agenda 21 and would address new issues such as globalization and the impact of new technologies and new types of wars; the Summit must be politically relevant, with the same standards for those within the system and those excluded from it; and concrete decisions supported by high-level commitment must be taken and translated into concrete programmes. He described the Bureau's proposed outcomes for the Summit and urged countries not to discard too precipitately the ideas behind the Summit, on the grounds that they were not good enough or that not all parties would agree. The notion of a global partnership did not have to be adhered to by all parties, but the Summit could at least begin working towards such a partnership.

60. In answer to comments from the floor, he stressed that preparatory work for the World Summit was far more extensive than the work that had been done in preparation for the Earth Summit and that it reflected the different interests of the various regions. He agreed that the Secretary-General should also encourage Ministers of Finance to participate in the World Summit and stressed that, since the Summit was taking place in Africa, the particular problems and issues of that region should be highlighted.

61. At its 4th plenary meeting, on 14 February 2002, the Council/Forum resumed its consideration of agenda item 5. Mr. David Anderson, President of the Governing Council of UNEP, invited the following persons to make their statements: Mr. Klaus Töpfer, Executive Director of UNEP; Ms. Saradha Ramaswamy Iyer, representing the Civil Society Forum; Mr. Alan Nymark, Deputy Minister of the Environment of Canada; and Mr. Mohammad Kabir Sa'id, Minister of the Environment of Nigeria.

62. In his introductory remarks, Mr. David Anderson said that the global and regional dimensions of the preparations for the World Summit should be merged to lend greater coherence to the vision of the environmental pillar of sustainable development. The Forum would consider the state of the global environment from a regional perspective and would seek to identify priorities.

63. In his presentation on the global state of the environment and the role of UNEP, Mr. Klaus Töpfer said that the basis for policy decisions should be assessment, monitoring, early action and early warning of vulnerability. Two Global Environment Outlook (GEO) reports had already been presented. The third report, GEO-3, which was very important for linking the past and the future, would be ready in May 2002 and a GEO publication for youth was under preparation. Similar processes were also underway in other parts of the world

64. With regard to technology, an area that needed to be explored at the World Summit, UNEP had intensive in-house capacity, particularly in the sectors of water, air and chemicals. The Programme was in the process of developing non-binding instruments governing marine pollution from land-based activities and mountain environments. In the area of energy, it was focusing on the need for increased efficiency and supply to rural areas, where there was a huge deficit. There, the creation of a network of renewable energy centres in partnership with the private sector, would be of great value.

65. In his view, the concerns of the developed countries regarding accountability should be addressed through confidence-building measures and better governance. Consideration should also be given to the question of how to combine foreign direct investment with official development assistance, since the former, which was very unevenly distributed with less than two per cent going to Africa, could not be the main instrument for combating poverty if such trends would remain.

66. Lastly, the link between globalization and diversity and the importance of cultural diversity and spiritual values must be recognized. Loss of cultural diversity led to loss of stability. Prosperity for all must be the vision of the future.

67. Ms. Saradha Ramaswamy Iyer, presenting the statement on the World Summit on Sustainable Development prepared by the Civil Society Forum at its meeting on 13 February 2002, said that, should the Summit fail, it would seriously undermine sustainable development governance, the United Nations system and multilateralism in general. Ten years after the Earth Summit, the commitments given at Rio had not been translated into action and the outcomes of the second session of the Preparatory Committee for the Johannesburg Summit had not addressed the fundamental obstacles to sustainable development.

68. An ethical dimension was needed in the sustainable development debate. There must be a rights-based approach to sustainable development, with common but differentiated responsibilities. Democracy was a prerequisite for sustainable development and the eradication of poverty through redistribution of the earth's resources and the management of ecosystems in a way that allowed communities to derive the benefits of sustainable production and consumption. Unrepresented peoples should have a voice in decision-making and special attention should be paid to areas with particular environmental and social vulnerabilities, including small island developing States.

69. The commitments given at Rio should be translated into legally binding instruments and implementation of multilateral environmental agreements should be a litmus test for the Summit. A comprehensive strategy was also needed to raise public awareness of the rights and duties under those agreements. Civil society called upon all Heads of State to attend the Summit and to demonstrate their commitment to sustainable development through decisive action.

70. In his presentation on health and environment in the Americas, Mr. Alan Nymark stressed that a healthy environment was a pre-condition for public health and an important element of sustainable human development. While great progress had been made in the Americas in such areas as water and sanitation, universal coverage remained a distant goal. He called for greater linkages between the public health and environmental sectors, especially at the local and community levels.

71. Mr. Mohammad Kabir Sa'id read a statement on behalf of the President of the Federal Republic of Nigeria. The New Partnership for Africa's Development (NEPAD), he said, had been the result of a thought-provoking appraisal of the role of Africa in the twenty-first century. In seeking to address Africa's many challenges, including unfavourable terms of trade, capital flight, the loss of skills to other regions, and the debt burden, all exacerbated by the prevalence of disease and environmental degradation, the new African initiative recognized that development goals could not be tackled in isolation and that effective partnerships were required. The initiative was thus also a framework for interaction with the rest of the world, including the industrialized countries and multilateral organizations, with African leaders taking responsibility for, inter alia, strengthening conflict prevention and conflict resolution mechanisms, promoting and protecting human rights and democracy, restoring macroeconomic stability, instituting transparent legal and regulatory frameworks for financial markets and promoting the role of women in development.

72. In that context, the World Summit should identify practical means of addressing those concerns and promote the role of science as an essential element in each nation's social and cultural fabric. Equally important was the need to critically review environment-related multilateral instruments, which were often inherently disadvantageous to developing countries. International environmental governance, for its part, should be designed to ensure that the principle of common but differentiated responsibilities was more fully realized.

73. He noted, in conclusion, that conventional sources of funding were proving increasingly inadequate and innovative financing mechanisms should therefore be developed to ensure that UNEP received a predictable and adequate flow of resources.

74. Following the presentations, 42 ministers and heads of delegations made oral contributions. During the discussion, the following issues were raised by various ministers and heads of delegation.

75. Progress in the field of protection of the environment was inseparable from the process of sustainable development and regret was expressed at the failure to implement earlier commitments to sustainable development and to the transfer of environmentally sound technologies to developing countries. It was proposed that no new commitments should be made at the World Summit without first reviewing the progress that had been made towards implementation of earlier decisions. Some speakers felt that accountability was the crux of the problem and it was suggested that the Forum should adopt the UNEP "Guidelines on compliance with and enforcement of multilateral environmental agreements" and that UNEP should develop indicators of sustainable development and encourage their use by international financial institutions. The best route to the implementation of multilateral agreements was to respect national and international commitments. Other speakers noted, however, that there had been some successes since the Earth Summit, including the saving of the ozone layer for future generations and the elaboration of frameworks, plans of action and treaties in the field of the environment.

76. The view was expressed that reform of international environmental governance was a process that should lead to the mainstreaming of environmental concerns into development policy, ensure the balanced integration of the pillars of economic growth, social development and environmental protection and increase the flow of resources, including technical expertise, technology transfers and capacity building. It was argued that underdevelopment was a major cause of the lack of movement in environmental protection in the developing countries and that the issues of poverty, the debt burden and crippling pandemics must be addressed in order to ensure progress. In that connection, appreciation was expressed for the assistance provided by the World Bank for the implementation of sustainable development projects and for the Heavily Indebted Poor Countries (HIPC) initiative, which should be used as a model for an environmental HIPC. It was also suggested that a global investment fund be established for the financing of sustainable development.

77. While it was generally agreed that partnerships with civil society and the private sector were important to the achievement of sustainable development, the view was also expressed that the fundamental nature of the Governing Council/Global Ministerial Environment Forum, namely, its intergovernmental structure, should be maintained.

78. Investment in the environment, public health and education was considered to be crucial to long-term economic development and must be a core element of poverty-reduction strategies. Without strong measures to improve local environmental conditions, it was impossible to reduce poverty. In developing and often rapidly industrializing countries, more efficient technologies for safe water supply, sanitation and waste management, including a strategic approach to international chemicals management, should be developed through cooperative partnerships. It was pointed out that the World Summit offered an important opportunity to discuss strategies for addressing those issues and for seeking synergies between globalization and economic liberalization on the one hand and between social development and environmental protection on the other.

79. Some saw the four key components of a global deal at the World Summit as trade liberalization and market access, greater efforts to combat poverty and human distress, the strengthening of democracy and good governance, and the promotion of sustainable development and international cooperation in the field of the environment. Among the major challenges facing the Summit were how to change unsustainable patterns of production and consumption and how to uncouple economic growth from environmental degradation. On the latter question, reference was made to the major threat posed to the environment and to biodiversity by the production of and trafficking in narcotic drugs and to the importance of protecting not only biodiversity but also cultural diversity, including traditional knowledge and skills.

80. Attention was drawn to the need to develop a focused and comprehensive programme for Africa to complement NEPAD. The overarching goal of the World Summit should be to reinvigorate the global commitment to sustainable development at the highest political level, bearing in mind the adverse factors that gave rise to poverty and environmental degradation as well as the important principle of common but differentiated responsibilities.

81. The fundamental role played by women in development, particularly in Africa, was highlighted. That role could be further enhanced through policies designed to help women farmers abandon deficient agricultural practices and through reform of legislation governing land ownership. Lack of access to safe drinking water, a threat to the survival of many of the world's poor, affected women disproportionately. It was suggested that the Summit should adopt the goal of halving by 2015 the number of those without access to safe drinking water and consider the specific recommendations that emanated from the International Conference on Freshwater, held in Bonn in December 2001. The Summit should also focus attention on the threat to mountain ecosystems, which provided half the world's population with fresh water. It was suggested that UNEP could make an important contribution by looking at how freshwater management was linked to land management as well as at the depletion of fish stocks, an issue that had not only environmental but also economic and social implications.

82. It was argued that, just as democracy was a prerequisite for sustainability, knowledge was a precondition for effective democracy. In order to preserve the environment for all, knowledge was needed to change behaviour at the household, industrial, marketing, financial and political levels. The global media could not be counted on, however, to accomplish that aim and the Summit should therefore consider instituting an extensive education and public awareness programme.

83. The Council/Forum was also urgently requested to recommend for consideration at the World Summit the problems of arsenic poisoning of groundwater accentuated by the over-extraction of groundwater, which often led to seepage of hazardous materials into the water supply. Another problem mentioned was the intrusion of salt water into freshwater supplies.

84. Some delegations expressed concern at the deteriorating environmental situation in Occupied Palestinian Territories.

85. On the question of financing, the view was expressed that the need for increased resources should be met through a combination of official development assistance and private sector resources and that more innovative ways should be found to apply science and technology to development and to promote public and private sector partnerships.

86. Descriptions were given of a number of cases of legislative measures adopted by Governments and other action taken at the national level to strengthen environmental governance and promote sustainable development. There was widespread interest in reconsidering the relationship between the Commission on Sustainable Development and the Global Ministerial Environment Forum. In their view, if the Forum was considered the authoritative body for environmental questions, it would be a duplication of effort for the Commission to debate those issues.

87. At its 5th plenary meeting, on 15 February 2002, the Council/Forum resumed its consideration of agenda item 5. Mr. David Anderson, President of the Governing Council of UNEP, invited Mr. Klaus Töpfer, Executive Director of UNEP to make a presentation.

88. The ensuing slide presentation on the UNEP framework for assessment and early warning, highlighted the various components of the GEO process: worldwide networks of partners; a system for data provision that drew upon a wide range of data providers; a regional consultative process with Governments and inter-governmental bodies; and a network of expert working groups providing guidance to the process. The process was made possible through and its results were seen in the GEO data portal, national state of the environment reports and regional environment outlooks, all products of the GEO.

89. The third GEO report would mark a major UNEP contribution to the World Summit by analyzing the changes in the environment since the 1972 Stockholm Conference. Despite the positive developments in such areas as the elaboration of policy instruments and agreements, a growing awareness that the environment was a fundamental pillar of sustainable development and human well-being and the engagement of a broader segment of civil society, frequently led by non-governmental organizations and the private sector, progress towards the implementation of Agenda 21 had been disappointing. Graphic examples of the challenges faced in such areas as land and freshwater management, protection of coastal and marine ecosystems, climate change, urban environments, and air pollution were provided.

90. The increasing polarization between the affluence of the developed world and continued endemic poverty in developing nations, between those able to adapt to changing environments and the poor majority at risk from such changes was noted. Those issues could be addressed only on the basis of accurate data and a thorough knowledge of all aspects of the problem. UNEP now had in place an integrated mechanism that allowed national and regional perspectives to be incorporated into the global context and was forging strong partnerships through technical cooperation and to serve sound policy-making.

91. In additional remarks on the same topic, Mr Klaus Töpfer emphasized that the framework for assessment and early warning was not an end in itself but an instrument for better policy- and decision-making. UNEP was using remote sensing techniques to develop an atlas of global change and an atlas of mountain ecosystems for the International Year of Mountains. Through capacity-building and cooperation at the national and regional levels, it sought to outsource some of that work to allow it to concentrate on new and emerging issues.

92. At the 6th plenary meeting, on 15 February 2002, the Council considered and adopted, as amended, a draft decision presented by the President of the Governing Council on the contribution of the UNEP Governing Council and Global Ministerial Environment Forum to the World Summit. The text of decision SS.VII/2 is set out in annex I. The Council also considered and took note of the statement by the President of the Governing Council presenting a summary of the debate by ministers and heads of delegations attached to that decision as an apperdix.

CHAPTER III

REPORT OF THE COMMITTEE OF THE WHOLE

93. The report of the Committee of the Whole (UNEP/GCSS.VII/L.3) was introduced by the Committee's Rapporteur, Mr. Franklin McDonald (Jamaica), at the 6th plenary meeting, on 15 February 2002. At the same meeting, the Council took note of the report (for text, see annex II to the present report).

94. The Committee's report contained five draft decisions (UNEP/GCSS.VII/L.3/Add.1) recommended for adoption by the Council. The draft decisions, as orally amended, were adopted (for the text of the decisions, see annex I to the present report).

CHAPTER IV

ADOPTION OF THE REPORT

95. The present report was adopted at the 6th plenary meeting of the session, on Friday, 15 February 2002 on the basis of the draft report contained in document UNEP/GCSS/VII/L.2 and Add.1, and on the understanding that the Rapporteur would be entrusted with finalizing the report in the light of subsequent discussion and making any relevant amendment in conformity with agreed decisions.

CHAPTER V

CLOSURE OF THE SESSION

96. At the 6th plenary meeting, on 15 February 2002, the Council/Forum heard a closing address from Mr. Cherif Rahmani, Minister of the Environment, National and Regional Development of Algeria, who described the Cartagena meeting as a major landmark in the annals of international cooperation for sustainable development, of which environmental protection was an essential pillar. The agreement reached on international environmental governance would serve as a point of departure for the establishment of a new institutional architecture that would need to be consolidated by appropriate accompanying measures at national level. Such an institutional architecture would involve the participation of all stakeholders on an equal footing, without exclusion or marginalization.

97. The Cartagena meeting had also made a significant contribution to the World Summit on Sustainable Development, thus testifying to the political will to transform the Summit into a crucible for forging a new international deal for the development of the poorest nations. There was no place more befitting for this new deal to be sealed than South Africa, a country whose people had been able to demonstrate one of the smoothest examples of national reconciliation. This example could serve as an inspiration for a reconciliation between man and his environment at the international level.

98. The New Partnership for Africa's Development initiative adopted by Heads of African States was an excellent framework for international cooperation for Africa. In that context, Algeria had decided to make a contribution of $100,000 to the implementation of chapter VIII of the initiative dealing with the environment. Indeed, the issue of environmental protection had now become an unavoidable requirement for maintaining world peace and security. The struggle against environmental degradation required not only the mobilization of all available scientific and technological expertise, but also and above all, contribution from a new science with a human face and respectful of basic human values. The Forum had succeeded in making a contribution to humanity's march towards its common destiny.

99. In his closing statement, the Executive Director traced the path that had been taken to reach Cartagena and expressed appreciation to donor Governments for their contribution to UNEP activities. He also expressed thanks to the Government and people of Colombia for their hospitality, noting that the country's great cultural and biological diversity had given birth to a peace-loving people that deserved to live in peace and harmony with one another. The ongoing tensions and conflicts were not only adversely affecting the natural habitat, but were also jeopardizing the well-being of the people and the sustainable development of the nation.

100. Bringing the meeting to a close, the President of the Governing Council noted that the Forum had agreed, inter alia, on several steps to address the overall financial situation of UNEP; on the need to strengthen the role of the UNEP Governing Council/Global Ministerial Environment Forum in promoting international cooperation in the field of environment; and on ways of improving coordination among, and the effectiveness of, multilateral environmental agreements. Participants now had a deeper awareness of how essential and possible it was to link the environmental agenda with other issues of importance to people around the world.

101. After the customary exchange of courtesies, the President declared the seventh special session of the Governing Council/Global Ministerial Environment Forum closed at 6 p.m. on Friday, 15 February 2002.

Annex I

DECISIONS ADOPTED BY THE GOVERNING COUNCIL AT ITS SEVENTH SPECIAL SESSION/GLOBAL MINISTERIAL ENVIRONMENT FORUM

		Date of adoption	Page
SS.VII/1	International environmental governance	15 February 2002	23
SS.VII/2	Contribution of the Governing Council/Global Ministerial Environment Forum of the United Nations Environment Programme to the World Summit on Sustainable Development	15 February 2002	35
SS.VII/3	Strategic approach to international chemicals management	15 February 2002	41
SS.VII/4	Compliance with and enforcement of multilateral environmental agreements	15 February 2002	43
SS.VII/5	Enhancing civil society engagement in the work of the United Nations Environment Programme	15 February 2002	44
SS.VII/6	Implementation of the Global Programme of Action for the Protection of the Marine Environment from Land-based Activities	15 February 2002	46
SS.VII/7	Environmental situation in the Occupied Palestinian Territories	15 February 2002	48

SS.VII/1. International environmental governance

The Governing Council,

Recalling the Malmö Ministerial Declaration[1] of 31 May 2000, in which it was stated that the 2002 conference should review the requirements for a greatly strengthened institutional structure for international environmental governance, based on an assessment of future needs for an institutional architecture that has the capacity to effectively address wide-ranging environmental threats in a globalizing world and that in this regard, the role of the United Nations Environment Programme should be strengthened and its financial base broadened and made more predictable,

Recalling General Assembly resolution 53/242 of 28 July 1999, on the report of the Secretary-General on environment and human settlements in which the General Assembly established the Global Ministerial Environment Forum, and supported proposals, inter alia, for the establishment for an environmental management group for the purpose of enhancing inter-agency coordination, and for enhancing linkages and coordination within and among environmental and environment related conventions,

Further recalling its decision 21/21 of 9 February 2001 on international environmental governance in which it established an open-ended intergovernmental group of ministers or their representatives, with the Executive Director as an ex-officio member, to undertake a comprehensive policy-oriented assessment of existing institutional weaknesses as well as future needs for strengthened international environmental governance, including the financing of the United Nations Environment Programme, with a view to presenting a report containing analysis and options to the next session of the Governing Council/Global Ministerial Environment Forum and to undertake an in depth discussion of the report with a view to providing its input on future requirement of international environmental governance,

Expressing its appreciation to the Executive Director for the excellent support provided to the Intergovernmental Group of Ministers in its deliberation of international environmental governance, which enabled it to conduct its work in an open, transparent and inclusive manner,

1. Adopts the report of the Open-ended Intergovernmental Group of Ministers or Their Representatives on International Environmental Governance[2] in the appendix to the present decision;

2. Invites the President of the Governing Council to transmit the present decision and the report of the Open-ended Intergovernmental Group of Ministers or Their Representatives on International Environmental Governance to the Commission on Sustainable Development acting as the preparatory committee for the World Summit on Sustainable Development[3] at its third session;

3. Requests the Executive Director to present this decision and the report of the Open-ended Intergovernmental Group of Ministers or Their Representatives on International Environmental Governance to the Preparatory Committee for the World Summit on Sustainable Development at its third session;

4. Decides to review the implementation of the recommendations contained in the report of the Open-ended Intergovernmental Group of Ministers or Their Representatives on International Environmental Governance at its twenty-second session, subject to the outcome of the World Summit on Sustainable Development;

5. Also decides to consider further measures for the strengthening of the United Nations Environment Programme in light of the outcome of the World Summit on Sustainable Development at its twenty-second session.

6th meeting
15 February 2002

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1 Governing Council decision SS.VI/1, annex.

2 UNEP/GCSS.VII/L.4/Add.1.

3 General Assembly resolution 55/199 of 20 December 2000.

Appendix

REPORT OF THE OPEN-ENDED INTERGOVERNMENTAL GROUP OF MINISTERS OR THEIR REPRESENTATIVES ON INTERNATIONAL ENVIRONMENTAL GOVERNANCE

I. BACKGROUND

1. The current debate on the requirements for a more coherent and more effective international environmental governance regime is a continuation of international efforts over the past decade to develop institutional responses to underpin international action to confront the increase of environmental threats faced by all countries. The growing body of scientific evidence as to the seriousness of environmental degradation has led to a proliferation of legal and institutional arrangements for international cooperation aimed at addressing specific environmental problems. As a result, the international community has become increasingly concerned with not only establishing a strengthened framework for coordinated international action but also ensuring that the limited resources available are deployed in the best possible manner for optimal effect.

2. The context within which international environmental policy formulation takes place has also evolved. Increasingly, environmental objectives are being pursued in the broader context of sustainable development as is evident in the work programmes of the recent mechanisms that have been established. Agenda 21 reaffirmed the role of the United Nations Environment Programme (UNEP) as the principal body within the United Nations system in the field of the environment but also added that it should take into account the development aspects of environmental questions.

3. A further step in the evolution of the current system was the establishment by the Secretary-General of the United Nations of a Task Force on Environment and Human Settlements as part of the overall reform of the United Nations. In establishing the Task Force, the Secretary-General noted the formidable challenge facing the international community in attaining "a sustainable equilibrium between economic growth, poverty reduction, social equity and the protection of the Earth's resources, common and life support systems", thus reaffirming the sustainable development context. The Secretary-General also concluded that experience had demonstrated the need for a more systemic approach to policies and programmes through mainstreaming the United Nations commitment to sustainable development.

4. The General Assembly adopted resolution 53/242 of 28 July 1999 on the Secretary-General's Task Force recommendations and took action on a number of important institutional measures including the creation of the Environmental Management Group, the creation of the Global Ministerial Environment Forum and on support for and enhancing linkages among environmental and environment-related conventions.

5. At its first meeting in Malmö in May 2000, the Global Ministerial Environment Forum adopted the Malmö Declaration, which stated that the "2002 conference should review the requirements for a greatly strengthened institutional structure for international environmental governance based on an assessment of future needs for an institutional architecture that has the capacity to effectively address wide-ranging environmental threats in a globalizing world. The role of the United Nations Environment Programme in this regard should be strengthened and its financial base broadened and made more predictable".

II. THE UNEP GOVERNING COUNCIL INTERNATIONAL ENVIRONMENTAL GOVERNANCE INITIATIVE

6. Against the backdrop of the preparations for the World Summit on Sustainable Development, the UNEP Governing Council at its twenty-first session adopted decision 21/21 on international environmental governance, which established the Open-ended Intergovernmental Group of Ministers or Their Representatives to undertake a comprehensive policy-oriented assessment of existing institutional weaknesses as well as future needs and options for strengthened international environmental governance,

including the financing of UNEP, with a view to presenting a report containing analysis and options to the next session of the Governing Council/Global Ministerial Environment Forum, which is being held in February 2002. In that same decision, the Council also decided that the next Governing Council/Global Ministerial Environment Forum should undertake an in-depth discussion of that report with a view to providing input on future requirements of international environmental governance in the broader context of multilateral efforts for sustainable development to the preparatory body for the World Summit on Sustainable Development as a contribution to the Summit.

7. The work of the Intergovernmental Group of Ministers is intended to build on recent advances, including the report of the United Nations Task Force on Environment and Human Settlements and General Assembly resolution 53/242 which supported the establishment of the Global Ministerial Environment Forum and the Environmental Management Group and made other important recommendations on strengthening the current environmental governance regime.

8. Six meetings of the Intergovernmental Group of Ministers have taken place: in New York, on 18 April 2001, in Bonn, on 17 July 2001, in Algiers, on 9 and 10 September 2001, in Montreal, on 30 November to 1 December 2001, in New York, on 25 January 2002 and in Cartagena, on 12 February 2002. All meetings were well attended and witnessed a rich and extensive exchange of views between delegations. The second meeting benefited from having at its disposal the outcome of intersessional consultations between non-governmental and civil society organizations, agencies and experts. The third meeting was presented with suggestions of the President of the Governing Council in the form of "building blocks", which were discussed in two working groups. Working Group I addressed the role and the structure of the Global Ministerial Environment Forum and strengthening the role, authority and financial situation of UNEP. Working Group II addressed improved coordination and coherence among multilateral environmental agreements and enhanced coordination across the United Nations system – the role of the Environment Management Group. The meetings also benefited from the valuable inputs of the UNEP Committee of Permanent Representatives and generated a number of ideas that provide a sense of what the expectations are in this process. These ideas were summarized by the chair as follows:

(a) The international environmental governance process encompasses all international environmental efforts and arrangements within the United Nations system, including at the regional level, and is not restricted to UNEP;

(b) The process of strengthening international environmental governance should be evolutionary in nature and be based on implementing General Assembly resolution 53/242. A prudent approach to institutional change is required, with preference given to making better use of existing structures;

(c) The meetings on international environmental governance should lead to comprehensive inputs into the preparations for the World Summit on Sustainable Development, which should be presented for consideration by it. Decision 10/1 of the Commission on Sustainable Development, which invited the Governing Council to submit its progress report and results to the Preparatory Committee at its second session and the final results to the third session so that they can be fully considered in the preparatory process, clearly establishes this link;

(d) Some issues being considered go beyond the mandate of environment ministries alone, and other branches of Government should be involved in order to enhance national level coordination and to bring environmental considerations into the mainstream of economic and social decision-making at all levels. In this regard, international environmental governance should be viewed within the broader context of sustainable development;

(e) The increasing complexity and impact of trends in environmental degradation require an enhanced capacity for scientific assessment and monitoring and for provision of early warnings to Governments;

(f) The design and implementation of environmental policy at all levels requires a clear link to the sustainable development context as well as greater involvement and engagement of non-governmental organizations, and civil society and the private sector, allowing them a meaningful role in intergovernmental policy-making, and also requires strengthened national frameworks of governance;

(g) The international environmental governance process should take into account the needs and constraints of developing countries on the basis of common but differentiated responsibility;

(h) An essential complement to international cooperative arrangements is the requirement to strengthen the capacity of developing countries to participate actively in policy formulation and implementation. In this regard there is a need to emphasize and support capacity-building and technology transfer, and the role of UNEP in this regard was emphasized;

(i) As the principal United Nations body in the field of the environment, UNEP should be strengthened. This requires a clear solution to the issue of adequate, stable and predictable financing;

(j) A variety of proposals were considered, including the proposal to establish UNEP as a United Nations specialized agency, which met with differing views;

(k) The Global Ministerial Environment Forum should be placed as the cornerstone of the international institutional structure of international environmental governance;

(l) In addition, UNEP headquarters in Nairobi must be maintained and strengthened as a centre for international meetings on the environment;

(m) The proliferation of institutional arrangements, meetings and agendas, while having the benefit of specialization, may weaken policy coherence and synergy and put further strain on limited resources;

(n) The clustering approach to multilateral environmental agreements holds some promise, and issues relating to the location of secretariats, meeting agendas and also programmatic cooperation between such bodies and with UNEP should be addressed.

9. The conclusions and recommendations emanating from the international environmental governance process and agreed by consensus are contained in the following chapter.

III. RECOMMENDATIONS OF THE INTERGOVERNMENTAL GROUP OF MINISTERS TO THE GOVERNING COUNCIL/GLOBAL MINISTERIAL ENVIRONMENT FORUM

A. Improved coherence in international environmental policy-making – the role and structure of the Governing Council/Global Ministerial Environment Forum

10. The Global Ministerial Environment Forum is constituted by the UNEP Governing Council as envisaged in General Assembly resolution 53/242, which states, in paragraph 6, that the Governing Council would constitute "the forum in the years that it meets in regular session and, in alternate years, with the forum taking the form of a special session of the Governing Council".

11. The international environmental governance process has highlighted the need for a high-level environment policy forum as one of the cornerstones of an effective system of international environmental governance. To this end, the Governing Council/Global Ministerial Environment Forum should be utilized more effectively both in promoting international cooperation in the field of the environment, in providing broad policy advice and guidance, identifying global environmental priorities, and making recommendations, in accordance with paragraphs 2(a) and 2(b) of General Assembly resolution 2997 (XXVII) of 15 December 1972. Such an approach should be pursued with full respect for the independent legal status and governance structures of other entities, and would be consistent with the

mandate provided to the UNEP Governing Council in General Assembly resolution 2997 (XXVII), which states, in paragraphs 2 (b) and 2 (c), that it should provide general policy guidance for the direction and coordination of environmental programmes within the United Nations system, keep their implementation under review and assess their effectiveness. This approach could be achieved through a series of measures such as those proposed below:

(a) Universal participation of Members States of the United Nations and members of its specialized agencies in the work of the Governing Council/Global Ministerial Environment Forum should be ensured. The question of establishing universal membership for Governing Council/Global Ministerial Environment Forum is an important but complex issue that should be considered in the broader context of the preparatory process of the World Summit on Sustainable Development and be reviewed at the twenty-second session of the Governing Council/Global Ministerial Environment Forum based on the outcome of the Summit;

(b) The Nairobi Declaration on the Role and Mandate of the United Nations Environment Programme reaffirmed the continuing relevance of the mandate of UNEP deriving from General Assembly resolution 2997 (XXVII) and as further elaborated by Agenda 21. The core elements of the focused mandate of UNEP contained in the Nairobi Declaration highlighted, inter alia, the role of UNEP in the analysis of the state of the global environment, provision of policy advice and catalysing and promoting international cooperation; in further developing its international environmental law aimed at sustainable development, including the development of coherent interlinkages among existing international environmental conventions; in advancing the implementation of agreed international norms and policies and strengthening its role in the coordination of environmental activities in the United Nations system in the field of the environment;

(c) To play its role as the high-level environmental policy forum in the United Nations system, and in accordance with General Assembly resolution 2997 (XXVII), the Governing Council/Global Ministerial Environment Forum will:

(i) Keep under review the world environment situation and develop policy responses in order to ensure that emerging environmental problems of wide international significance receive appropriate and adequate consideration based on sound science;

(ii) Provide general policy guidance for the direction and coordination of environmental programmes and make cross-cutting recommendations, in accordance with paragraphs 2 (a) and 2 (b) of General Assembly resolution 2997 (XXVII), to other bodies while respecting the independent legal status and autonomous governance structures of such entities;

(iii) Promote international cooperation in the field of the environment and recommend, as appropriate, policies to this end;

(iv) Strengthen further the coordination and institutional requirements for international environmental policy in view of the outcome of the World Summit on Sustainable Development and in light of the Malmö Declaration;

(d) The Governing Council/Global Ministerial Environment Forum should identify ways and means of improving and strengthening its interrelationship with autonomous decision-making bodies, such as conferences of the parties to multilateral environmental agreements;

(e) The Governing Council/Global Ministerial Environment Forum should promote the meaningful participation of representatives of major groups and non-governmental organizations including the private sector, giving them clear channels for providing Governments with their views, to inform intergovernmental decision-making bodies, within the established rules and modalities of the United Nations system. A particular effort to enable civil society organizations from developing countries to participate should be a priority. In line with Governing Council decision 21/19 of 9 February 2001, the relationship between UNEP

and its governance structures, as well as among civil society, the private sector and other major groups, should be developed;

(f) Consideration should be given to having the Governing Council/Global Ministerial Environment Forum meet every other year at UNEP headquarters in Nairobi with meetings in alternate years, if possible, at another United Nations region. This would enhance its interaction with other policy forums in the economic and social fields and assist in the objectives of sustainable development mainstreaming. In addition, the possibility of having back-to-back meetings between the Governing Council/Global Ministerial Environment Forum and multilateral environmental agreements could be explored, with due regard to their legal status and governance structures;

(g) The Governing Council/Global Ministerial Environment Forum should institute a regular dialogue, to address the apparent disparity between policy and funding, with multilateral financial institutions, including the Global Environment Facility (GEF). In this regard the Governing Council/Global Ministerial Environment Forum should play a stronger environmental policy advisory role and strengthen UNEP's efforts to enhance its relationship with GEF through the Action Plan on Complementarity between GEF activities and its programme of work, in line with Governing Council decisions 20/7 of 5 February 1999 and 21/25 of 9 February 2001. Better coordination of decision-making on international environmental policy with decision-making on financing should benefit the funding of environmental aspects of sustainable development;

(h) The Governing Council/Global Ministerial Environment Forum should enable ministers to concentrate on policy issues and have the opportunity to promote international cooperation, including making cross-cutting recommendations in the field of the environment, in accordance with paragraphs 2 (a) and 2 (b) of General Assembly resolution 2997 (XXVII), take policy decisions, identify priorities on matters within its area of competence, and provide broad direction and advice, as well as oversight of the programme of work and budget of UNEP. The Governing Council/Global Ministerial Environment Forum should also regularly review reports on the follow-up of its previous decisions. The agenda could be grouped in segments as follows:

(i) The Governing Council/Global Ministerial Environment Forum should take into account emerging environmental trends and should consider issues related to environmental assessment and monitoring, monitoring of its previous decisions, early warning and emerging issues, based on a strengthened scientific capacity of UNEP. Further consideration should be given to strengthening UNEP's scientific base by improving its ability to monitor and assess global environmental change including, inter alia, through the establishment of an intergovernmental panel on global environmental change. The effective participation of developing countries in the work of the panel should be ensured, and the mandate, modalities and composition of any mechanism are to be decided by the Governing Council/Global Ministerial Environment Forum;

(ii) The Governing Council/Global Ministerial Environment Forum could address environmental aspects of one or two selected sectoral issues on an annual basis (such as chemicals, water, oceans), as well as the environmental contribution to major development challenges. In this context relevant sectoral national ministries could be invited to interact with environment ministers to assist in a decision-making process that would aim at bringing environmental considerations into the mainstream of policy discussions and promote sustainable development. Progress in the follow-up of such work should be monitored and reported to the Governing Council/Global Ministerial Environment Forum;

(iii) Taking advantage of its high-level and cross-cutting environmental perspective and its coordination role on environmental matters in the United Nations system, the Governing Council/Global Ministerial Environment Forum could engage in periodic stocktaking and, inter alia, review synergies and linkages undertaken between multilateral

environmental agreements, as well as review reports of the Environment Management Group and progress in inter-agency collaboration. The Governing Council/Global Ministerial Environment Forum would give policy guidance and advice in the field of the environment by making recommendations, in accordance with paragraphs 2 (a) and 2 (b) of General Assembly resolution 2997 (XXVII). In this context, UNEP should carry out further scientific analysis in cooperation with secretariats of conventions and their subsidiary bodies and other relevant international scientific bodies, in order to identify possible activities with potential multiple benefits and to bring them to the attention of conferences of the parties, in conformity with General Assembly resolution 54/217 of 22 December 1999. Officials of United Nations agencies and heads of multilateral environmental agreement secretariats should be invited to participate and interact with ministers at meetings of the Governing Council/Global Ministerial Environment Forum;

(iv) The Governing Council/Global Ministerial Environment Forum agenda would also include a separate segment providing for the negotiation and adoption of the biennial programme of work and budget of UNEP and review of its implementation. The UNEP Committee of Permanent Representatives, as a subsidiary body, would continue to play its mandated role in monitoring the implementation of Governing Council/Global Ministerial Environment Forum decisions as well as preparation of its sessions, which would take place in an open and transparent manner, so as to facilitate the participation in substantive preparations of Governments not represented in Nairobi.

B. Strengthening the role and financial situation of UNEP

12. The Nairobi Declaration of 1997, which was endorsed by the United Nations General Assembly, established UNEP as the leading global environmental authority that sets the global environmental agenda, promotes the coherent implementation of the environmental dimension of sustainable development and serves as an authoritative advocate for the global environment. While UNEP is the centrepiece of the international community's efforts to safeguard the environment, its role continues to fall short of the expectations expressed in the Nairobi Declaration primarily because UNEP remains hampered by insufficient and unpredictable resources.

13. Given the major environmental challenges of the twenty-first century, one way to address discrepancies between commitments and action is to improve the financial situation of UNEP.

14. While commendable efforts have been made by the United Nations to fund some of the administrative costs of UNEP through its regular budget, this funding has been declining in terms of percentage of the total UNEP resources over the past years. Hence it is recommended that, in accordance with General Assembly resolution 2997 (XXVII), consideration be given by the United Nations General Assembly to making available from its regular budget the amount which is necessary to cover all administrative and management costs of UNEP. There is also an urgent need to improve the financial situation of UNEP's Environment Fund.

15. Several steps should be taken to address the overall financial situation of UNEP. These include:

(a) More predictable funding from all Member States of the United Nations and members of its specialized agencies;

(b) More efficient and effective use of available resources, including the possibility of utilizing external management review mechanisms, taking into account the recommendations of prior management reviews of UNEP;

(c) Strong focus on agreed priorities of UNEP and ongoing review of previous priorities;

(d) Greater mobilization of resources from the private sector and other major groups in accordance with applicable United Nations rules and procedures.

16. All Member States of the United Nations and members of its specialized agencies, taking into account their economic and social circumstances should contribute financially to UNEP. The financial contributions should be made to the Environment Fund to finance the activities of UNEP to enable it, inter alia, to implement the provisions and achieve the objectives of the Fund set forth in General Assembly resolution 2997 (XXVII). Resources mobilized from major groups should also finance activities for the implementation of the programme of work of the Environment Fund.

17. To broaden the base of contributions to, and to enhance predictability in the voluntary financing of the Environment Fund, there should be a voluntary indicative scale of contributions, to be developed specifically for UNEP's Environment Fund, taking into account, inter alia, the United Nations scale of assessment as well as the following:

(a) A minimum indicative rate of 0.001 per cent;

(b) A maximum indicative rate of 22 per cent;

(c) A maximum indicative rate for the least developed countries of 0.01 per cent;

(d) Economic and social circumstances of the Member States, in particular those of developing countries and countries with economies in transition;

(e) Provisions to allow for any Member State, in a position to do so, to increase its level of contributions over and above its current level.

18. All contributions to the Fund remain voluntary and each State reserves the right to determine whether or not it wishes to contribute voluntarily to the Fund. However, all Member States, taking into account their economic and social circumstances, will be encouraged to contribute to the Environment Fund either on the basis of the indicative scale of contributions, or on the basis of any of the following:

(a) Biennial pledges;

(b) United Nations scale of assessment;

(c) Historical level of contributions;

(d) Any other basis identified by a Member State.

19. The Executive Director of UNEP will notify all Member States, in a timely manner, of the indicative scale of contributions he intends to propose for the biennial budget. All Member States are urged to inform the Executive Director, in a timely manner, whether or not they will use the proposed indicative scale of contributions. The biennial budget will be submitted for consideration of the Governing Council/Global Ministerial Environment Forum, prior to the commencement of the financial period that it covers. It will also be circulated to all Member States at least six weeks before the meeting of the Governing Council/Global Ministerial Environment Forum at which it will be considered.

20. The Executive Director will notify all Member States that choose the indicative scale of contributions by 15 October of the preceding calendar year, of the amount, in United States currency, of its indicative scale of contributions based on contributions for each year of the biennium. Any Member State which decides not to use the indicative scale of contributions will notify the Executive Director by this date of the basis it intends to use for its contributions, taking into account paragraph 18 above. In either case, each Member State will, prior to 1 January of each year, inform the Executive Director of UNEP of the contribution it intends to make that year and of the projected timing of that contribution. Contributions

should be made by 1 January of each calendar year, or as soon as possible thereafter, recognizing that there are differences in the budget cycles of Member States. All contributions should be paid in convertible currencies into a bank account identified in the notification of the Executive Director.

21. In addition to the contributions identified in paragraph 20 above, the resources available to UNEP for implementation of its programme of work will also consist of additional voluntary contributions which may be made by Member States or by major groups; other voluntary contributions, including contributions to support the participation of the representatives of developing countries, in particular the least developed and the small island developing States amongst them, as well as representatives from countries with economies in transition, in the Governing Council/Global Ministerial Environment Forum; the uncommitted balance of appropriations from previous financial periods; and miscellaneous income.

22. All Member States are encouraged to make prompt payment of their contributions to the Environment Fund, and a balance should be sought between earmarked and non-earmarked contributions.

23. The Executive Director of UNEP will submit to the Governing Council/Global Ministerial Environment Forum at its special session in the year 2004, a report on the implementation of paragraphs 15 to 22 above. The Governing Council/Global Ministerial Environment Forum will review the effectiveness of the system and take a decision, as appropriate.

24. Progress in implementing the international environmental agenda and creating a stronger link between environmental trends and policy dialogue at the Governing Council/Global Ministerial Environment Forum will be increasingly dependent on the availability of information required for decision-making, and in particular on providing developing countries with the means of implementation. In this regard, higher priority should be given to developing independent and authoritative scientific assessment and monitoring capacity for emerging issues. UNEP is well situated to build on its current strengths in these areas, and could also build a greater capacity to assist developing countries with their needs and requirements in such areas. An enhanced capacity would also require an enhanced financial base. UNEP should continue efforts to attract additional resources and support from partnerships with civil society and the private sector.

25. The UNEP/GEF Action Plan on Complementarity adopted by the UNEP Governing Council at its twentieth session and the GEF Council at its thirteenth meeting identified the establishment of a UNEP/GEF strategic partnership as an important modality for achieving complementarity. Recently, an initial phase of the UNEP/GEF strategic partnership, in the areas of environmental assessment, global environmental knowledge management and global environmental outreach including the mobilization of the scientific community, has been successfully completed. Strategic partnerships with the World Bank and the United Nations Development Programme (UNDP) are also being undertaken. GEF could fund mutually agreed activities of UNEP which are of relevance to the global environment and the GEF. The existing partnership could focus on the following areas: assessment; scientific information, best practice, and policy analysis; capacity-building and training for the environment; and, country-level coordination for sustainable development. The partnership between UNEP and GEF could be further pursued and should also facilitate the mobilization of additional multilateral and bilateral financial resources for targeted activities consistent with the GEF mandate and global environmental priorities identified by the Governing Council/Global Ministerial Environment Forum.

C. Improved coordination among and effectiveness of multilateral environmental agreements

26. The negative impact of the increasing burdens on Governments' ability to participate meaningfully in the proliferating meetings and agendas of multilateral environmental agreements has been underscored as a major constraint to effective international policy-making. While the benefits of being able to concentrate on issue-specific areas are recognized, the perception of a growing potential for overlap in the international environmental agenda makes it difficult to benefit from potential synergies and linkages between the various agreements. In this regard the authority and the autonomy of the governing bodies of the conference of the parties and the accountability of their secretariat to their respective governing bodies should be respected.

27. One approach that has emerged from the debate is that of enhancing the synergies and linkages between multilateral environmental agreements with comparable areas of focus or of a regional character with due regard to their respective mandates. In particular, there is support for enhancing collaboration among multilateral environmental agreement secretariats in specific areas where common issues arise, such as current work among the chemicals and waste multilateral environmental agreement secretariats and including the interim secretariats, as well as biological diversity-related conventions, where efforts are underway to improve national reporting mechanisms of and among these conventions. The initiation of pilot projects should be further pursued. In this regard the study on chemicals- and wastes-related conventions, as well as the joint liaison group that has been convened by the secretariats of the Rio conventions, including the United Nations Convention to Combat Desertification in those Countries Experiencing Serious Drought and/or Desertification, particularly in Africa as approved by their governing bodies, are steps in the right direction. More consideration should be given to the proposed measures suggested by the study. Such synergies and linkages must be promoted in close consultation and with the full agreement of the Conference of the Parties. UNEP should continue, in close cooperation with the secretariats of the multilateral environmental agreements, to enhance such synergies and linkages including on issues related to scientific assessments on matters of common concern.

28. A periodic review of the effectiveness of multilateral environmental agreements is critical to their success. As an important factor in their effectiveness compliance factors and mechanisms should be supported in conformity with the different regime under each multilateral environmental agreement and including designing multilateral environmental agreements with realistic and achievable goals which could be implemented. States should have regard for the advisory and non-binding UNEP guidelines on compliance with and enforcement of multilateral environmental agreements, once approved by the Governing Council/Global Ministerial Environment Forum. Capacity-building and, for some multilateral environmental agreements, technology transfer and the provision of financial resources to developing countries to facilitate compliance, are of great importance for supporting the effectiveness of multilateral environmental agreements.

29. While taking fully into account the autonomous decision-making authority of the conference of the parties, considerable benefits could accrue from a more coordinated approach to areas such as scheduling and periodicity of meetings of the conferences of the parties; reporting; scientific assessment on matters of common concern, capacity-building, transfer of technology; and enhancing the capacities of developing countries before and after the entry into force of legal agreements to implement and review progress on a regular basis by all parties concerned. Biennial meetings as well as shorter duration of conference of the parties should be promoted as well as the need to consider, as far as possible and practical, back-to-back or parallel conference of the parties meetings. The merit of convening meetings at the United Nations headquarters or in other locations will be considered on a case-by-case basis by the conference of the parties involved. In the future, careful consideration should be given to the effectiveness and resource efficiency of establishing additional subsidiary institutions of the conference of the parties, and the co-location of future multilateral environmental agreement secretariats should be encouraged, and where possible in developing countries, with a view of enhancing collaboration and effectiveness. Enhanced coordination at the convention level will also require improved coordination of positions at the national level concerning multilateral environmental agreements. Priority should be given to synergies at the country level, including the provision of means of implementation.

30. Coordination could be fostered by having the Governing Council/Global Ministerial Environment Forum review the progress made by the conference of the parties of multilateral environmental agreements, with due regard to their respective mandates, in developing synergies in areas where common issues arise.

D. Capacity-building, technology transfer and country-level coordination for the environment pillar of sustainable development

31. Environmental governance should be considered from a multi-level approach – international, regional, subregional and national. The ability of developing countries, as well as countries with economies in transition, to participate fully in the development of international environmental policy and to support those

countries in their efforts towards achieving the environmental objectives of sustainable development, and to undertake the requisite implementation of international agreements at the national level, must be strengthened. The need to strengthen the capacity and capability of developing countries, as well as those with economies in transition, remains a major requirement for sustainable development and in particular on issues related to poverty eradication. Such efforts must include all relevant partners and emphasize in particular capacity-building and training, as well as national-level coordination, under leadership of national governments and according to national priorities, of the environmental component of sustainable development. To this end, effective and time-bound measures will be required at international, regional and national levels. In this regard the strengthening of national institutions, including the ministries of environment, in developing countries is an important aspect. Arrangements for the access to, and transfer of, environmentally sound technologies to developing countries should be established and facilitated as they are very important for achieving sustainable development. For progress in this field, steps should be taken expeditiously for the transfer of publicly owned technology.

32. International environmental governance should also cover and support regional and subregional efforts. UNEP, in cooperation with relevant regional and subregional organizations could provide support to the strengthening of regional environmental governance to improve coordination, implementation, capacity-building and technology transfer in support of regional initiatives. The New Partnership for Africa's Development (NEPAD) initiative should be supported as the framework for sustainable development in Africa.

33. In its resolution 53/242, the General Assembly stressed the need to ensure that capacity-building and technical assistance, in particular with respect to institutional strengthening in developing countries, remained an important component of the work of UNEP. This should build on the ongoing capacity-building needs assessment being carried out by GEF through its implementing agencies, including UNEP. A strengthened programme of capacity-building should be clearly defined in the work of UNEP, building on its demonstrated comparative advantage and in the context of pursuing the ongoing strategic partnership with GEF, respecting its governance structure and in close cooperation with the United Nations organizations and other international organizations active in the area of the environment.

34. In this regard, an intergovernmental strategic plan for technology support and capacity-building to developing countries should be developed to improve the effectiveness of capacity-building, and to address the gaps identified by assessments of existing activities and needs, including the ongoing GEF inventory, subject to the availability of funds other than the Environment Fund, taking into account that additional resources need to be made available for this purpose. Such a strategic plan could be implemented through enhanced coordination between UNEP and other relevant bodies, including GEF and UNDP. It could include an increased role for UNEP in country-level capacity delivery in particular through greater collaboration with UNDP. This could be built on the following two components:

(a) Capacity-building and training: The strengthening of the national institutions responsible for environment and the implementation of multilateral environmental agreements which will promote the achievement of the objectives of the environmental component of sustainable development. Efforts by UNEP, in response to requests by Governments, to develop local and national capacity in environmental issues and for dissemination of best practices and experiences will build on its role as one of the three implementing agencies of GEF as well as on the expected benefits from the multi-year UNEP/GEF strategic partnership as envisaged in the UNEP/GEF Action Plan on Complementarity;

(b) National-level coordination of the environmental component of sustainable development: In addition to the mobilization of domestic resources, developing countries require access to financial, technological and technical resources from the international community, as well as better internal coordination to implement sustainable development strategies. Efforts for environmental improvement at all levels and the implementation of multilateral environmental agreements must converge for countries to achieve their national priorities and objectives. Countries are encouraged to promote the coordination of the multiple national frameworks that currently exist in the field of environment at the ministerial level.

35. The strategic partnership between UNEP and GEF should be based on the decisions of their respective governing bodies and involve strengthening the capacity of UNEP to fulfil its role as provided for in the UNEP/GEF Action Plan on Complementarity. UNEP's strength as one of the three GEF implementing agencies should be fostered. It should also take into account the special relationship with UNDP, building on its unique national field capacity, which can contribute to these efforts and also facilitate the mobilization of additional resources with positive results for the environment at both national and global levels.

E. Enhanced coordination across the United Nations system - the role of the Environmental Management Group

36. Considerable emphasis has been placed on enhancing coordination within the United Nations system and the role of the Environmental Management Group in this regard. The Environmental Management Group was established following the adoption of General Assembly resolution 53/242, and includes amongst its members the specialized agencies, funds and programmes of the United Nations system and the secretariats of multilateral environmental agreements. It follows an issue-management approach whereby issue-management groups are established within the organizations concerned in order to address specific issues identified by the Environmental Management Group within an established time frame. Issue-management groups may include institutions from outside the United Nations in their work. Issues selected so far have included the harmonization of biodiversity-related reporting, the development of a system-wide approach to environmental education and training, waste management and chemicals. The Environmental Management Group has only met a few times and it is therefore too early to make an assessment of its functioning. It is clear, however, that there is a need to ensure that the functionality of the Environmental Management Group as envisaged by resolution 53/242 should be realized as soon as possible. It is also clear that:

(a) For the Governing Council/Global Ministerial Environment Forum to effectively play its policy role, it requires an instrument at the inter-agency level to enhance policy coordination across the environmental activities of the United Nations system. The Environmental Management Group is such an instrument and should be charged with reporting annually to the Forum, taking into account the provisions of General Assembly resolution 54/217, as well as on specific issues arising from the work of the United Nations system in the environmental area on which the Forum could make recommendations on the work of the Environment Management Group;

(b) The Environmental Management Group also provides potential for bringing the environment into the mainstream of relevant activities of the United Nations system. UNEP should join the United Nations Development Group, which brings together the operational agencies of the United Nations in the economic and social fields;

(c) The technical capacities of the specialized agencies and organizations participating in the Environmental Management Group could also be used to support the implementation of a strategic partnership between UNEP and other relevant bodies, including UNDP and GEF, inter alia, for capacity-building.

37. The efficient functioning of the Environmental Management Group requires a clear relation with intergovernmental processes which includes a clearly defined reporting relationship with the Governing Council/Global Ministerial Environment Forum, the Commission on Sustainable Development, and other forums in the United Nations system. It will also require senior-level participation by member institutions, transparency in operations, adequate resources to support its functioning and the possibility of financial support for specific activities, including a coordinated approach to capacity-building.

F. Future perspective

38. The present report takes as its foundation the debate within the international environmental governance process and the recommendations deal with specific weaknesses and opportunities within the current system. Some of the proposals and recommendations in the report could help build incrementally not

only towards meeting the needs identified, but also towards the renewed efforts required to be undertaken by all countries pursuant to the internationally agreed development goals, including those contained in the Millennium Declaration. Our efforts are not only underpinned by a sense of protection of the global environment, but by the clear framework set in Malmö in May 2000. The Malmö Ministerial Declaration states that the World Summit on Sustainable Development "should review the requirements for a greatly strengthened institutional structure for international environment governance based on an assessment of future needs for an institutional architecture that has the capacity to effectively address wide-ranging environmental threats in a globalizing world".

39. We must therefore not only ensure a solid foundation on which to build, but also begin to shape a vision for the future of a robust, versatile regime that will allow us to respond quickly and effectively to emerging environmental challenges. In this context it has been recognized that the implementation of Agenda 21, requires improved international governance in all dimensions of sustainable development as a prerequisite for achieving successful protection of the environment, economic growth and social equity. The 2002 Johannesburg Summit will have to address this crucial issue, and our input will be of significant value in the forthcoming debate. The mandate of UNEP, re-enforced at the 1992 Earth Summit in Rio, has placed it in a unique position to provide not only policy guidance and coordination in the field of the environment, but also to promote international cooperation in this field, while taking into account development perspectives. By improving and strengthening international environmental governance the decisions taken at the seventh special session of the Governing Council/Global Ministerial Environment Forum on 15 February 2002 should be considered as the commencement of a longer-term enterprise to develop international understanding, commitment and resolve towards ensuring the sustainability of the global environment in accordance with the Rio principles, including the principle of common but differentiated responsibilities.

SS.VII/2. Contribution of the Governing Council/Global Ministerial Environment Forum of the United Nations Environment Programme to the World Summit on Sustainable Development

The Governing Council,

Recalling the Malmö Ministerial Declaration,[1]

Recalling also General Assembly resolution 55/199 of 20 December 2000 on the World Summit on Sustainable Development,[3]

Recalling its decision at its twenty-first session,[4] by which the Council decided that the seventh special session of the Governing Council/Global Ministerial Environment Forum would decide on preparations to be made by it for the World Summit, including its further consideration of the question of international environmental governance in the context of sustainable development,

Noting with satisfaction the preparatory process for the World Summit on Sustainable Development, including the regional preparatory process to which the United Nations Environment Programme provided substantive support,

Having considered the discussion paper[5] presented by the Executive Director,

1. Notes the statement of the President of the Governing Council[6] on the contribution of the United Nations Environment Programme as contained in the appendix to the present decision;

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[4] Governing Council decision 21/21.

[5] UNEP/GCSS.VII/3.

[6] UNEP/GCSS.VII/L.5/Add.1

2. Requests the President of the Governing Council to transmit the present decision and its appendix to the Commission on Sustainable Development acting as the preparatory committee for the World Summit on Sustainable Development at its third session to be held in New York from 25 March to 6 April 2002;

3. Requests the Executive Director to transmit his report and policy statement[7] to the Preparatory Committee for the World Summit on Sustainable Development at its third session as part of contribution of the United Nations Environment Programme;

4. Requests the Executive Director to further contribute to the preparatory process for the World Summit on Sustainable Development and to take appropriate action within the mandate of the United Nations Environment Programme in the follow-up to the outcome of the Summit and report thereon to the Governing Council at its twenty-second session.

6th meeting
15 February 2002

Appendix

STATEMENT OF THE PRESIDENT OF THE GOVERNING COUNCIL: CONTRIBUTION OF THE GOVERNING COUNCIL/GLOBAL MINISTERIAL ENVIRONMENT FORUM TO THE WORLD SUMMIT ON SUSTAINABLE DEVELOPMENT

1. Ministers and heads of delegation attending the seventh special session of the Governing Council/Global Ministerial Environment Forum in Cartagena, Colombia from 13 to 15 February 2002, on the eve of the World Summit on Sustainable Development, expressed their firm conviction that more than ever before, opportunities for humanity to achieve sustainable development are concrete and real.

2. Since the Earth Summit held in Rio de Janeiro, we have witnessed an increase in the number of initiatives and commitments, locally, nationally and internationally, to combat environmental degradation and manage the environment in a sustainable manner. It was widely recognized, however, that there remain alarming discrepancies between commitments and action. While there are encouraging signs, the state of the global environment has been further degraded. Combined with emerging environmental problems rooted in various aspects of economic and social development issues, we face major challenges ahead. The security of Earth is at stake!

3. With the human and material resources at our disposal to achieve sustainable development, there was a call to reiterate the vision of the Malmö Ministerial Declaration stating that: "We can decrease poverty by half by 2015 without degrading the environment, we can ensure environmental security through early warning, we can better integrate environmental considerations in economic policy, we can better coordinate legal instruments and we can realize a vision of a world without slums." The World Summit on Sustainable Development is an important opportunity to move forward in the realization of this common vision.

4. There was general agreement that decisive action should be taken to address the global environmental changes while tackling the root causes of such changes. To address global environmental challenges of the twenty-first century in the context of sustainable development, the fundamental values and goals underscored by the United Nations Millennium Declaration are essential. Poverty, inequality, poor governance and unsustainable patterns of production and consumption should be tackled. Democratic participation in decision-making, particularly the empowerment of women, at the local, regional and national levels provides a firm basis for stability and human security. A holistic policy approach is required to secure

[7] UNEP/GCSS.VII/5.

sustainable human progress, sustainable natural resources and environmental bases and the survival of all living species on this planet, including human beings.

A. Expectations for the Summit

5. The Governing Council/Global Ministerial Environment Forum welcomed the successful outcome of the second session of the Preparatory Committee for the World Summit on Sustainable Development, and the positive report by the representative of the Secretary-General for the Summit. On this basis, the Governing Council/Global Ministerial Environment Forum was convinced that upcoming meetings will engender a successful Summit delivering tangible outcomes including a political statement, concrete programme of action and a range of specific sectoral agreements, partnerships and actions at the global, regional and national levels. The representative of the Secretary-General for the Summit referred to a global coalition for sustainable development as a possible political framework arising from the Summit. Furthermore, the Environment Minister of the host country of the World Summit informed the Governing Council/Global Ministerial Environment Forum of its preparation for and expectation of the Summit, including possibly a global deal for the implementation of Agenda 21.

6. There was a common understanding amongst ministers that the World Summit on Sustainable Development should be the Summit of implementation, partnership, concrete action and responsible prosperity for all. Ministers noted that success in Johannesburg depends on a properly managed global consensus between Governments and stakeholders, ownership and participation by global leaders of both developed and developing countries, and concrete outputs and deliverables within all three pillars of sustainable development. Agenda 21 is considered to provide viable, internationally agreed policy guidance and strategies for achieving sustainable development. It is time for a renewed political commitment to the further implementation of Agenda 21. We must ensure that environmental protection is fully integrated into social advancement and economic sustainability.

7. Progress with regard to United Nations conventions on climate change, biological diversity and desertification has been achieved. Nevertheless, it was strongly emphasized that every effort should be made to ensure the entry into force of environmental conventions and protocols, if possible by the World Summit on Sustainable Development. The important role of UNEP in accelerating ratification processes and in supporting implementation of these agreements was highlighted. The capacity of many countries to achieve results and fulfill commitments related to these agreements must be addressed by the global community.

8. UNEP must play a central role in the preparatory process for the World Summit on Sustainable Development by defining and giving content to the programme of action to be agreed on in Johannesburg.

B. Assessment and early warning

9. Following a presentation on emerging environmental trends, ministers underscored the priority they attach to UNEP work in the area of information. monitoring and assessment of the environment and agreed that emerging environmental trends be a standing item of future meeting agendas. Discussions on environmental policy must begin with a statement from the most objective source – the environment itself. It is ultimately the environment that tells us whether our policies and programmes are working, where our successes lie, and where the challenges remain.

10. The third Global Environment Outlook (GEO3) report, to be published in May 2002, will provide authoritative assessment of the state of the environment and its implications for all dimensions of sustainable development. GEO3 is a major input to the World Summit on Sustainable Development. UNEP should strengthen its functions to assess and monitor global environmental changes and provide early warning in support of sustainable development. There was a common view that the scientific basis of decision-making in global environmental issues should be further strengthened. Special consideration should be given to environmental aspects of the needs of the poor and the most vulnerable, in particular children and women.

11. Critical global environmental issues are closely interlinked, and examples of such issues with linkages include climate change, desertification, forests, biological diversity and water issues. The functions of UNEP in enhancing programmatic linkages of global environmental issues should be enhanced.

C. Globalization

12. The Conference on Financing for Development in Monterrey will be vital in securing a financial basis for meeting global environmental challenges in the context of sustainable development. A spirit of solidarity is needed for securing funding for developing countries, the least developed amongst them, in order to enable them to achieve sustainable development goals. Strengthened inter-linkages at the national and international levels between trade, finance, development and environment ministers are required in the lead up to Johannesburg and beyond.

13. Globalization should become a positive force for all the people of the world. Economic development in a globalized world can be an instrument for bridging the gap between the poor and the rich. The outcome of the World Trade Organization Ministerial Meeting in Doha is the basis for constructive dialogue at the World Summit on Sustainable Development on trade, development and environment issues. The UNEP-UNCTAD Capacity-building Taskforce on Trade and Environment should continue playing an important role.

14. Many ministers indicated that the World Summit on Sustainable Development should address the structural imbalances in economic power relations between north and south, and promote a platform for better access by developing countries to markets of developed nations, increased investment for developing economies, as well as increased resource commitments from development finance institutions.

D. Poverty

15. The linkages between environment, health and poverty have become ever more real and urgent because it is the poor who suffer most when air and water are polluted. Women and children are particularly vulnerable. Furthermore, droughts, floods and other disasters are wiping out development gains and their frequency and severity is expected to increase with climate change. Urgent action should be taken to preserve environmental services including, for example, energy, water and biological diversity, for the benefit of people by decreasing threats to human needs such as health problems and hunger.

E. Capacity-building

16. Capacity-building should be further promoted. Strengthening the role of UNEP in capacity-building was intensively requested. The role of UNEP in providing advice on environmental policy, law, best practices, technology, and in key areas of institution-building and environmental management was underscored. The GEO process has been highlighted as a useful instrument for developing a network of collaborating centres for assessment and monitoring in countries around the world and has helped to enhance the capacities of participating institutions in developing countries and countries with economies in transition. Environmental education for future generations is particularly important and programmes in this regard should be improved.

F. Technology and technology transfer

17. Technological progress and scientific findings must be used for the benefit of all humanity and mankind, bearing in mind the need for precautions. The use of technological progress is linked with the scientific analysis and ethical responsibility of mankind. Clean production, increasing energy efficiency, decreasing wastes and making better use of water, are indispensable. Those should be achieved with environmentally sound and responsible use of technology and technology transfer. UNEP has an important role to play in supporting the development and transfer of environmental technologies. The abilities of young people provide a hope, especially the young people of developing countries. Education and training on these must be intensified.

G. Cultural and biological diversity and ethics of sustainable development

18. It was emphasized that stability in nature is obtained in the diversity of its components and balance among them, bringing the functioning of the ecosystems in total harmony. Diversity in culture, values and civilizations is a source of stability in which we live, with dynamic interaction among them. Diversity of nature is essential for the indigenous people and local communities. The benefits of biological diversity must be shared by the people responsible for the conservation and sustainable use of these valuable resources.

19. It is recognized that the cost of globalization should not be the loss of indigenous cultures and their traditions. Spiritual values, cultural diversity, respect for human rights, and indigenous knowledge can contribute positively to the formulation of a new environmental ethic for the twenty-first century. The keynote speaker and the representatives of civil society presented their views and recommendations to the Governing Council/Global Ministerial Environment Forum that the Summit and the preparatory process for it should address the ethical dimension of sustainable development. Its linkage with unsustainable consumption patterns was underscored. In this context, the promotion of sustainable consumption and production patterns remains a key challenge and will be addressed at the Summit. Commitments and actions to enhance implementation are needed. UNEP has a key role to play in this area, especially through its work on cleaner production, sustainable consumption, life-cycle initiative and the Global Reporting Initiative.

20. Young people, enjoying and respecting their differences and identities, in a world of diversity in culture, spiritual values and nature, with democratic decision-making, respect to human rights, will have an important role in giving a human face to globalization.

H. Support to Africa

21. The New Partnership for Africa's Development (NEPAD) initiative is a framework for sustainable development in Africa. NEPAD recognizes the need for sound and effective governance, peace and democracy, macroeconomic stability and a healthy and productive environment as building blocks for sustainable development in Africa. The statement of President Obasanjo of Nigeria delivered to the Governing Council/Global Ministerial Environment Forum by the Nigerian Environment Minister emphasized that NEPAD should receive attention by world leaders at the World Summit on Sustainable Development and should provide a basis for UNEP's future work in the African region. In addressing Africa, the importance of regional and subregional dimensions was highlighted for the World Summit and its outcome.

I. Health and environment agenda

22. The interlinkages between health and environment are growing in prominence and warrant discussion in Johannesburg. The degradation and depletion of water, air, land, marine and biological resources all have profound impacts on human health, as is possible with changes in the atmosphere and climate and the unsafe use and management of chemicals. Health and environment can provide a useful focus for international action, particularly at the regional level. UNEP will continue to work with other partners such as the World Health Organization to support these efforts to ensure that the appropriate linkage between human health and environmental protection is made.

23. Freshwater resources are vitally important to sustaining peoples' lives and welfare, and enabling them to work for economic and social development. Water is critical also for sustaining the environment, which could in turn provide people with sufficient sustainable resources as a basis for economic and social development. Support was expressed for UNEP to develop a plan of action for providing technical and legal assistance for the better use of water resources. Water - both freshwater and the marine water- should be addressed in a more holistic manner as called for in the UNEP Water Policy. Urgent action should be taken to implement the Global Programme of Action for the Protection of the Marine Environment from Land-based Activities in light of the Montreal Declaration.

24. Chemicals and wastes have a serious impact on health and the environment. Ratification and entry into force of the Rotterdam Convention on the Prior Informed Consent and the Stockholm Convention on Persistent Organic Pollutants is a priority. Further work of UNEP in the chemicals agenda, as decided at the present session of the Governing Council/Global Ministerial Environment Forum, was welcomed.

25. In discussions, many referred to rapid urbanization and the challenge it presents with regard to sustainability of vital and sensitive ecosystems especially small island developing States, the Arctic, mountain regions, coastal zone and oceans.

J. Sustainable energy

26. In its endeavour to address the reality that more than 2 billion people lack the energy they need to heat and light homes and pump water, the World Summit on Sustainable Development must take up the issue of access to energy and use of renewable energy and energy efficiency. In this regard, UNEP has much to share and is eager to be a partner in sustainable energy outcomes that emerge from Johannesburg. Energy and energy efficiency should be addressed from all dimensions of sustainable development. This is the issue both for urban and rural areas. Renewable energy as an essential element of economic development must be affordable. UNEP is active in providing capacity-building in this field through its network of Sustainable Energy Networks.

K. Governance

27. Improved environmental governance is essential for providing efficient and effective patterns of implementation of sustainable development from environmental perspectives. Ministers successfully concluded work on international environmental governance at the present session of the Governing Council/Global Ministerial Environment Forum and the results will be transmitted to the third Preparatory Committee meeting for the Johannesburg Summit. Ministers underlined the urgent need for strengthened international environmental governance in the context of sustainable development governance. UNEP must be at the centre of the international environmental architecture as emphasized in the Malmö Ministerial Declaration.

28. Effective governance, including environmental governance, at all levels will provide the Government and people of each country with a solid basis for their economic and social development and prosperity.

L. Implementation

29. Implementation of the existing national and international laws are a matter of priority. Implementation of multilateral environmental agreements should be further enhanced, with appropriate assistance given to developing countries and countries with economies in transition. The UNEP Programme for the Development and Periodic Review of Environmental Law for the First Decade of the Twenty-first Century (Montevideo Programme III) should be fully implemented for addressing legal and institutional means for achieving the environmental dimension of sustainable development. Institutional arrangements to strengthen collaboration between UNEP and other relevant entities, including multilateral environmental agreement entities competent in fields other than the environment should be pursued.

30. The financial basis for sustainable development should be secured and shared by all concerned. Foreign direct investment, debt relief, official development assistance - all need to be addressed. Ministers underscored the need to reconfirm all principles of the Rio Declaration including principle 7 regarding common but differentiated responsibilities.

31. The importance of regionally based approaches was emphasized. The UNEP regional offices and partnerships to promote and foster the global environmental agenda in the regions, including the implementation of multilateral environmental agreements and sustainable development policy and programmes, should be strengthened.

M. Partnerships with civil society and the private sector

32. Ministers benefited from the direct inputs they received from civil society representatives in their deliberations. It was acknowledged that there are limits to how far we can advance our efforts without truly engaging civil society, particularly the private sector, yet there is no limit to our potential if we have civil society at our side as an active and enthusiastic partner. Partnership with civil society organizations and the private sector must be a key element in Johannesburg. The private sector should be further encouraged to strengthen its initiatives for undertaking environmental responsibilities, for example through the Global Compact, the Global Reporting Initiative and voluntary initiatives.

33. Finally, in the Post-Cartagena process, ministers agreed that concrete action programmes incorporating specific time frames need to be established in the work of the Governing Council/Global Ministerial Environment Forum and UNEP.

SS.VII/3. Strategic approach to international chemicals management

The Governing Council,

Recalling its decisions 18/12 of 26 May 1995, 19/13 of 7 February 1997 and 20/23 of 4 February 1999, as well as its decision 21/7 of 9 February 2001 concerning global policies related to chemicals management,

Conscious of the essential role of the sound management of chemicals throughout their life cycle, including the management of hazardous wastes, in achieving sustainable development,

Welcoming the important ongoing work of the Intergovernmental Forum on Chemical Safety and the identification of priorities for action in its October 2000 Bahia Declaration and Priorities for Action beyond 2000,[8]

Taking note of the progress made by the Intergovernmental Negotiating Committee in preparing for the entry into force of the Rotterdam Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade,

Taking note of the activities being undertaken by the United Nations Environment Programme in collaboration with the Global Environment Facility and other partners in preparing for the entry into force and implementation of the Stockholm Convention on Persistent Organic Pollutants,

Taking note of the activities carried out under the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal to strengthen international cooperation in environmentally sound management of hazardous wastes and its contribution to the effective implementation of chapters 19 and 20 of Agenda 21,[9]

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[8] Intergovernmental Forum on Chemical Safety, third session, Forum III final report (IFCS/Forum III/23w), annex 6.

[9] Report of the United Nations Conference on Environment and Development, Rio de Janeiro, 3-14 June 1992. A/CONF.151/26/Rev.1 (Vol. I and Vol.I/Corr.1, Vol. II, Vol. III and Vol. III/Corr.1) (United Nations publication, Sales No. E.93.1.8 and corrigenda), Vol. I: Resolutions Adopted by the Conference, resolution 1, annex II.

Acknowledging the increasing need for effective capacity-building and technical assistance to assist developing countries and countries with economies in transition in implementing existing international legal instruments for management of chemicals and hazardous wastes and to meet future challenges in chemical safety, including the protection of human health and the environment,

Reaffirming the commitment to decision 21/5 concerning the global assessment of mercury and decision 21/6 concerning lead in gasoline, of 9 February 2001,

Reaffirming its commitment to decisions 21/3 and 21/4 of 9 February 2001 calling for the ratification, acceptance, approval or accession to the Rotterdam and Stockholm conventions with a view to their entry into force as soon as possible,

Recognizing the need to promote the expeditious implementation of existing international, including regional, treaties and agreements concerning chemicals management by the Parties thereto,

Recognizing the need for all countries to have access to alternatives to hazardous chemicals that are safer, efficient and cost-effective as well as to related technology and to easy access to the latest developments and knowledge regarding hazardous substances and their alternatives,

Having reviewed the report of the Executive Director on strategic approach to international chemicals management,[10]

Noting the upcoming World Summit on Sustainable Development in Johannesburg from 26 August to 4 September 2002, and the opportunity that it presents for further progress in implementing chapters 19 and 20 of Agenda 21,

1. Decides that there is a need to further develop a strategic approach to international chemicals management and endorses the Intergovernmental Forum on Chemical Safety Bahia Declaration and Priorities for Action beyond 2000 as the foundation of this approach;

2. Requests the Executive Director in pursuing this decision to take fully into account the special circumstances of developing countries and countries with economies in transition;

3. Requests the Executive Director, together with the Inter-Organization Programme for the Sound Management of Chemicals, in consultation with Governments, the Intergovernmental Forum on Chemical Safety, the Global Environment Facility and other major agencies responsible for the funding and delivery of international development cooperation, other relevant organizations and stakeholders, to identify actions currently underway or planned at the international, regional or national levels to advance the sound management of chemicals, with particular reference to the Intergovernmental Forum on Chemical Safety Bahia Declaration and Priorities for Action beyond 2000;

4. Requests the Executive Director to work within the Inter-Organization Programme for the Sound Management of Chemicals, with the Intergovernmental Forum on Chemical Safety, Governments and other relevant organizations and stakeholders, to identify any gaps in the Intergovernmental Forum on Chemical Safety Bahia Declaration and Priorities for Action beyond 2000 or in the implementation of these priorities and suggest remedies for any identified gaps;

5. Requests the Executive Director to identify concrete projects and priorities in the context of a strategic approach to international chemicals management, working with key partners such as the secretariats of the Rotterdam Convention, the Stockholm Convention and the Basel Convention, and the Intergovernmental Forum on Chemical Safety;

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[10] UNEP/GCSS.VII/INF/1 and INF/1/Add.1.

6. Requests the Executive Director, together with the Intergovernmental Forum on Chemical Safety and with the Inter-Organization Programme for the Sound Management of Chemicals, to convene an open-ended consultative meeting involving representatives of all stakeholder groups, subject to the availability of extrabudgetary resources, to contribute to the further development, based on these analyses, of a strategic approach to international chemicals management;

7. Underlines that the strategic approach to international chemicals management should promote the incorporation of chemical safety issues into the development agenda and identify concrete proposals for strengthening capacity for the sound management of chemicals and the related technologies in all countries, taking into account the vast difference in capabilities between developed and developing countries in this field;

8. Calls upon Governments and other actors to make available information, especially on alternatives to hazardous chemicals, technical assistance, information on arrangements for promoting access to and the transfer of environmentally sound technology, capacity-building, and funding necessary to assist developing countries, especially least developed countries, and countries with economies in transition to take active part in this endeavour;

9. Urges Governments, the Inter-Organization Programme for the Sound Management of Chemicals, the Intergovernmental Forum on Chemical Safety and other relevant organizations and stakeholders to participate actively in this process;

10. Invites the World Summit for Sustainable Development[3] to:

(a) Endorse the further development of a strategic approach to international chemicals management and the Intergovernmental Forum on Chemical Safety Bahia Declaration and Priorities for Action beyond 2000 as the foundation of this approach;

(b) Urge the active engagement of the major agencies responsible for the funding and delivery of international development cooperation and other relevant actors;

(c) Call upon all Governments and other relevant actors to take immediate action to implement the identified priority activities;

11. Requests the Executive Director to report to it at its twenty-second session on progress made in implementing this decision, including options for taking the process forward, and on the contribution of the United Nations Environment Programme towards the implementation of the Intergovernmental Forum on Chemical Safety Bahia Declaration and Priorities for Action beyond 2000.

6th meeting
15 February 12002

SS.VII/4. Compliance with and enforcement of multilateral environmental agreements

The Governing Council,

Recalling its decision 21/27 of 9 February 2001, in which it requested the Executive Director to continue the preparation of draft guidelines on compliance with multilateral environmental agreements and on capacity-strengthening and effective national environmental enforcement in support of the ongoing development of compliance regimes within the framework of international agreements and in consultation with Governments and relevant international organizations, and encouraged him to complete the process and submit the draft guidelines to it for consideration at its seventh special session,

Noting with appreciation the work done by the Executive Director in the preparation of the draft guidelines in consultation with Governments and relevant international organizations,

Noting further the urgent need to enhance compliance with multilateral environmental agreements and to strengthen national enforcement and international cooperation in combating violations of laws implementing multilateral environmental agreements,

Having considered the draft guidelines on compliance with and enforcement of multilateral environmental agreements,[11] as prepared by the Executive Director and as revised by the Intergovernmental Working Group of Experts,

1. Adopts the guidelines on compliance with and enforcement of multilateral environmental agreements;

2. Requests the Executive Director to disseminate the guidelines to Governments, convention secretariats and relevant international organizations;

3. Further requests the Executive Director to take measures through the programme of work of the United Nations Environment Programme and in close collaboration with other international organizations to facilitate the implementation of the guidelines;

4. Furthermore requests the Executive Director to take steps for advancing capacity-building and strengthening of developing countries, particularly the least developed countries, and countries with economies in transition, in accordance with the guidelines;

5. Invites the Executive Director to seek additional extrabudgetary resources to facilitate the implementation of the guidelines, and urges Governments in a position to do so to make such resources available;

6. Further requests the Executive Director to report to it at its twenty-third session on the implementation of the present decision.

6th meeting
15 February 2002

SS.VII/5. Enhancing civil society engagement in the work of the United Nations Environment Programme

The Governing Council,

Recalling resolution 2997(XXVII) of 15 December 1972 of the General Assembly, in particular its section IV, paragraph 5, as well as chapter 28 of Agenda 21,[9]

Recalling the United Nations Millennium Declaration[12] and General Assembly resolution 55/162 of 14 December 2000 concerning the follow-up to the outcome of the Millennium Summit,

Also recalling its decision 18/4 of 26 May 1995, which called for the development of a policy framework and appropriate mechanisms for working with civil society and the policy of the United Nations Environment Programme concerning "non-governmental organizations and other major groups" (issued on 30 October 1996),

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[11] UNEP(DEPI)/MEAs/WG.1/3 and Corr.1, annex II.

[12] General Assembly resolution 55/2 of 8 September 2000.

Also taking note for the purposes of this decision, that civil society encompasses major groups, that is farmers, women, scientific and technological community, children and youth, indigenous people and their communities as well as workers and trade unions, business and industry and non-governmental organizations,

Stressing paragraph 14 of the Malmö Ministerial Declaration,[2]

Noting the work of the United Nations Environment Programme with respect to civil society,

Further noting the civil society statement presented during the twenty-first session of the Governing Council/Global Ministerial Environment Forum, and recommendations and contributions from civil society organizations meeting with the United Nations Environment Programme in May 2001, and comments received from various civil society groups in response to the note of the Executive Director on draft strategy paper on enhancing the engagement of civil society in the work of the United Nations Environment Programme,[13] as well as the civil society statement on engagement with the United Nations Environment Programme, presented during the seventh special session of the Governing Council of the United Nations Environment Programme in February 2002,

Aiming at further developing the relationship between civil society and the United Nations Environment Programme and its governing bodies, noting the arrangements recommended in the Executive Director's report on implementation of decision Governing Council 21/19,

Recognizing that engaging civil society stakeholders as partners is important for many reasons, including the fact that external stakeholders have many valuable experiences and ideas that need to be taken into account in order to foster long-term, broad-based support for the work of the United Nations Environment Programme,

I

Decides the following:

1. To request the Executive Director to continue the current practice of convening a civil society forum that is regionally balanced and representative in conjunction with the meetings of the Governing Council/Global Ministerial Environment Forum in close consultation with civil society;

2. To request the Executive Director to further develop, and review and revise as necessary the strategy for engaging civil society in the programme of activities of the United Nations Environment Programme, in consultation with Governments and civil society. The strategy should provide clear direction to the secretariat to ensure that all programmes take into account opportunities for multi-stakeholder participation in design, implementation, monitoring of activities, and dissemination of outputs;

3. To invite the Executive Director to consider the best way to include the views of civil society in the proceedings of the Governing Council/Global Ministerial Environment Forum;

4. To further request the Executive Director to review the practices of civil society engagement in other United Nations agencies, as well as precise modalities of civil society engagement, including involvement of the private sector in the work of the United Nations Environment Programme to achieve constructive partnership with the business community. This involvement should be further discussed, developed, and formulated in consultation with the representatives of civil society and under the guidance of the Committee of Permanent Representatives;

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[13] UNEP/GCSS.VII/4/Add.1.

5. Also to request the Executive Director to report to the twenty-second session of the Governing Council on the progress made in the enhancement of civil society engagement in the work of the United Nations Environment Programme;

II

1. Agrees to make efforts to meaningfully consider the views of representatives of major groups and non-governmental organizations, including the private sector, giving them clear channels for providing Governments with their views, within the established rules and modalities of the United Nations system;

2. Decides to establish the Committee of Permanent Representatives as a working party to examine the amendment of rule 69 of the rules of procedure of the Governing Council[14] and report thereon to the Governing Council at its twenty-second session, and include the relevant agenda item for that session. In examining the subject, the Committee should take into account the following:

(a) Civil society organizations having an interest in the field of the environment may designate representatives to sit as observers at public meetings of the Governing Council and its subsidiary organs. These include those organizations accredited to Economic and Social Council, the Commission on Sustainable Development, and the multilateral environmental agreements, and the United Nations Environment Programme accredited organizations. When necessary, the Governing Council shall adopt and revise the list of organizations accredited to the United Nations Environment Programme;

(b) Upon the invitation of the President or Chair, as the case may be, and subject to the approval of the Governing Council or the subsidiary organ concerned, accredited civil society organizations may make brief oral statements on matters within the scope of their activities, related to items under consideration by the Governing Council;

(c) Written statements provided by accredited civil society organizations referred to in subparagraph (a) above, related to items on the agenda of the Governing Council or of its subsidiary organs, will be circulated by the secretariat to members of the Governing Council or of the subsidiary organ concerned in the languages in which the statements were made available to the secretariat for distribution.

6th meeting
15 February 2002

SS.VII/6. Implementation of the Global Programme of Action for the Protection of the Marine Environment from Land-based Activities

The Governing Council,

Conscious that the marine environment is being increasingly degraded by pollution from sewage, persistent organic pollutants, radioactive substances, heavy metals, oils, litter, the physical alteration and destruction of habitats, and the alteration of timing, volume and quality of freshwater inflows with resulting changes to nutrient and sediment budgets and salinity regimes,

Acknowledging that social, environmental and economic costs are escalating as a result of the harmful effects of land-based activities on human health and coastal and marine ecosystems, that certain types of damage are serious and may be irreversible, and that urgent, participatory and innovative action is required to save human lives, protect water and food resources, and maintain ecosystem integrity,

[14] UNEP/GC/3/Rev.3 of 4 January 1998.

Concerned by the widespread poverty, particularly in coastal communities of developing countries, and the contribution that the conditions of poverty make to marine pollution, and transversely, how marine degradation generates poverty by depleting the very basics for social and economic development,

Acknowledging that implementation of the Global Programme of Action for the Protection of the Marine Environment from Land-based Activities is primarily the task of national Governments, and that the respective regional seas programmes also play an important role in implementation and both should include the active involvement of all stakeholders,

Taking note of the progress made to implement the Global Programme of Action, and the efforts of the United Nations Environment Programme, as secretariat of the Global Programme of Action, and other partners, to prepare the first Intergovernmental Review of the Global Programme of Action, from 26 to 30 November 2001,

Welcoming the valued contribution of the Government of Canada to the Global Programme of Action, in hosting the first Intergovernmental Review of the Global Programme of Action,

Noting that the World Summit on Sustainable Development is to be held in Johannesburg in August-September 2002 and is to conduct a review of progress in implementing Agenda 21[10],

Noting General Assembly resolution 51/189 of 16 December 1996 on institutional arrangements for the implementation of the Global Programme of Action,

Recalling its decisions 19/14 A of 7 February 1997, 20/19 B of 5 February 1999, and 21/10 of 9 February 2001 concerning the implementation and review of the Global Programme of Action,

1. Endorses as a valuable contribution to the implementation of Agenda 21, the outcomes of the first Intergovernmental Review of the Global Programme of Action for the Protection of the Marine Environment from Land-based Activities;[11]

2. Commends the Global Programme of Action as a practical and effective non-binding framework for harmonizing the activities of coastal and marine institutions and mechanisms at the local, national, regional and global levels; for producing efficiencies by bringing stakeholders together from different sectors, both public and private, to address common objectives; and further integrating river basin management with marine and coastal area management;

3. Calls on international financial institutions and regional development banks and other international financial mechanisms, in particular the World Bank and the Global Environment Facility, consistent with their operational strategies and policies, to facilitate and expeditiously finance activities related to the implementation of the Global Programme of Action at regional and national levels;

4. Calls on Governments, the private sector, and the international financial community to enhance the financing and implementation of innovative, appropriate and sustainable approaches to wastewater management by, inter alia, further integrating wastewater management with water supply objectives, promoting water re-use and demand management, and applying alternative approaches with regard to financing, partnerships, technology, institutional and managerial arrangements;

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[11] UNEP/GPA/IGR.1/9.

5. Endorses the 2002–2006 programme of work[16] proposed by the Coordination Office, with a focus on assisting countries to develop enabling environments for multi-sector partnerships and innovative financial arrangements through regulatory, legislative, institutional and financial reforms, thus making the strategic transition from planning to actual control of pollution and coastal degradation;

6. Requests the Executive Director to submit the outcomes of the first Intergovernmental Review of the Global Programme of Action to the governing or organizing bodies of relevant organizations, programmes, and processes to actively participate in the realization of the objectives of the Global Programme of Action, particularly at the national, subregional and regional levels.

6th meeting
15 February 2002

SS.VII/7. Environmental situation in the Occupied Palestinian Territories

The Governing Council,

Recalling its decisions 20/2 of 5 February 1999 and 21/16 of 9 February 2001 on the environmental situation in the Occupied Palestinian Territories,

Taking note of the report presented by the Executive Director,[17]

Conscious of the need to respond to the decisions of the Governing Council comprehensively,

Gravely concerned over the continuing deterioration and destruction of the environment in the Occupied Palestinian Territories,

Encouraged by the recent invitation extended to the Executive Director by the two concerned parties to visit the region,

1. Requests the Executive Director to visit the area as soon as possible with a view to establishing a framework and modalities of the study requested by the Governing Council in decisions 20/2 and 21/16;

2. Requests the Executive Director to designate a team of the United Nations Environment Programme experts to prepare a desk study outlining the state of environment in the Occupied Palestinian Territories and to identify major areas of environmental damage requiring urgent attention;

3. Also requests the Executive Director to undertake field studies, as deemed necessary, with the objective of proposing remedial measures to improve the environmental situation in the Occupied Palestinian Territories and by implementing existing agreements for improving the environment in the area;

4. Urges the Executive Director to take all necessary steps, on an urgent basis, to:

(a) Coordinate the activities of the United Nations Environment Programme in the area, including the implementation of this decision;

(b) Follow up the findings and recommendations of the United Nations Environment Programme study and assist the Palestinian Ministry of Environmental Affairs in its efforts to address the urgent environmental needs in the Occupied Palestinian Territories;

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[16] UNEP/GPA/IGR.1/6.

[17] UNEP/GCSS.VII/4/Add.3.

5. Invites all the parties concerned to cooperate with the Executive Director in the implementation of this decision;

6. Requests the Executive Director to report on the implementation of this decision to the Governing Council at its twenty-second regular session.

6th meeting
15 February 2002

Annex II

REPORT OF THE COMMITTEE OF THE WHOLE

Rapporteur: Mr. Franklin McDonald (Jamaica)

Introduction

1. In pursuance of the decisions of the Governing Council on the organization of the work of the session (see paras. 28-31 of the main body of the present report), the Committee of the Whole held five meetings on 13, 14 and 15 February 2002 under the chairmanship of Mr. Tupuk Sutrisno (Indonesia), Vice-President of the Council, to consider agenda item 6 (Report on the implementation of the decisions of the twenty-first session of the Governing Council/Global Ministerial Environment Forum).

2. At its 1st meeting, on 13 February 2002, the Committee of the Whole appointed Mr. Franklin McDonald as Rapporteur for the session.

3. During the deliberations in the Committee of the Whole, the secretariat introduced the sub-items under consideration, after which representatives expressed their views thereon.

Item 6. Report on the implementation of the decisions of the twenty-first session of the Governing Council/Global Ministerial Environment Forum

4. In considering agenda item 6, the Committee had before it the following documentation:

(a) UNEP/GCSS.VII/4 on the report on the implementation of the decisions adopted at the twenty-first session of the Governing Council/Global Ministerial Environment Forum;

(b) UNEP/GCSS.VII/4/Add.1 on the draft strategy on enhancing the engagement of civil society in the work of the United Nations Environment Programme;

(c) UNEP/GCSS.VII/4/Add.2 containing draft guidelines on compliance with and enforcement of multilateral environmental agreements;

(d) UNEP/GCSS.VII/4/Add.3 on the environmental situation in the Occupied Palestinian Territories,

(e) UNEP/GCSS.VII/4/Add.4 on the first Intergovernmental Review Meeting on the Implementation of the Global Programme of Action for the Protection of the Marine Environment from Land-based Activities;

(f) UNEP/GCSS.VII/INF/1 on the strategic approach to international chemicals management;

(g) UNEP/GCSS.VII/INF/1/Add.1 on the strategic approach to international chemicals management: main points in responses;

(h) UNEP/GCSS.VII/INF/2 containing the industry overview report;

(i) UNEP/GCSS.VII/INF/3 on the environmental situation of the Occupied Palestinian Territories;

(j) UNEP/GCSS.VII/L.1 containing draft decisions submitted by the Committee of Permanent Representatives.

5. The Committee decided to focus its attention on chapter III of document UNEP/GCSS.VII/4, dealing with the implementation of selected decisions of the Governing Council adopted at its twenty-first session. It then grouped the issues to be considered into four clusters: A (strategic approach to international chemicals management; compliance with and enforcement of multilateral environmental agreements; development of a strategy for the active engagement of civil society, the private sector and major groups in the work of UNEP; and the implementation of the Global Programme Action to Protect the Marine Environment from Land-based Activities); B (the environmental situation in the Occupied Palestinian Territories); C (implementation of the Malmö Declaration; international legal instruments reflecting provisions contained in principle 10 of the Rio Declaration; trade and environment; and support to Africa); D (financial resources).

(a) Strategic approach to international chemicals management

6. In his introduction of item 6, the Deputy Executive Director, Mr. S. Kakakhel, said that in pursuance of Governing Council decision 21/20 and General Assembly resolution 53/242, UNEP had been strengthening its actions for enhancing policy coherence and synergy among United Nations bodies and agencies, the secretariats of multilateral environmental conventions and other intergovernmental and non-governmental bodies. He then highlighted some of the recent activities carried out by UNEP to address the major environmental challenges, in pursuance of the decisions adopted by the Governing Council at its twenty-first session.

7. At its 2nd meeting, on 13 February 2002, the Committee also heard a statement read out on behalf of the Executive Director of the United Nations Human Settlements Programme (Habitat), by the Acting Deputy Executive Director, Mr. Daniel Biau, who noted the valuable cooperation with UNEP on the road to the World Summit in Johannesburg. Prior to considering the issue of chemicals management, the Committee was also addressed by Ms. Louise Fresco, Assistant Director-General, Agriculture Department, FAO, who spoke of several examples of cooperation on chemicals in the work of FAO and UNEP. In addition, Mr. Henrique Cavalcante, President of the Intergovernmental Forum on Chemical Safety, reported to the Committee on his organization's work in this area.

8. The sub-item on the strategic approach to international chemicals management was taken up by the Committee at its 2nd meeting, on 13 February 2001, and was introduced by the Deputy Executive Director. He drew the attention of the Committee to the report on the need for such a strategic approach, prepared in response to Governing Council decision 21/7 and submitted to the Governing Council for consideration (UNEP/GCSS.VII/4/INF/1 and Add. 1 and 2), as well as to the relevant paragraphs in document UNEP/GCSS.VII/4 (paras. 9 – 20).

9. During the general discussion, statements were made by the representatives of Australia, Canada, China, Japan, Kenya, New Zealand, Norway, Pakistan, Republic of Korea, Romania, Russian Federation, Saudi Arabia, Senegal, Spain (on behalf of the European Union), Switzerland, Uganda and United States of America.

10. A statement was also made by a representative of World Wide Fund for Nature International.

11. The Committee then decided to set up a working group under Mr. Halldor Thorgeirsson (Iceland) to prepare a draft decision on a strategic approach to international chemicals management and report back to the Committee thereon.

12. At its 5th meeting on 15 February 2002, the Committee considered and approved a text of draft decision, prepared by the working group on the sub-item, for transmission to plenary (for the text of the decision adopted by plenary see decision SS.VIII/3 in annex I to the present report).

(b) Compliance with and enforcement of multilateral environmental agreements

13. In his introduction of this sub-item, the Deputy Executive Director noted that the draft guidelines prepared on the subject were before the Governing Council for adoption and offered Governments, convention secretariats, and other opportunities to ensure coherent attention was given to multilateral environmental agreements at global, regional and national levels. A draft decision thereon prepared by the Committee of Permanent Representatives was set out in document UNEP/GCSS.VII/L.1.

14. During the general discussion on the sub-item. statements were made by representatives of Australia, Canada, China, Denmark, Gambia, India, Iraq, Iran (Islamic Republic of), Japan, Kenya, New Zealand, Norway, Pakistan, Poland, Romania, Senegal, Spain (on behalf of the European Union), Switzerland, Uganda and United States of America.

15. The secretariat responded to questions raised and comments made by representatives on the item. It was agreed to forward the draft decision prepared by the Committee of Permanent Representatives to plenary. The text of that decision as adopted by plenary is set out in annex I to the present report as decision SS.VII/4.

(c) Development of a strategy for the active engagement of civil society

16. Introducing the sub-item, the Deputy Executive Director noted that the engagement of civil society organizations contributing to the work of UNEP had been further increased, and a strategy on such engagement had been prepared in accordance with decision 21/19 and was contained in document UNEP/GCSS.VII/4/Add.1.

17. During the general discussion on the sub-item, statements were made by representatives of Canada, Japan, Norway, Poland, Russian Federation and United States of America.

18. The secretariat responded to the questions raised and remarks made by representatives on the item, pointing out the value of inviting a representative of the ongoing Civil Society Forum to share the outcome of their deliberations.

19. At its 3rd meeting, on 14 February 2002, the Committee continued its consideration of the sub-item.

20. During the discussion of the sub-item, statements were made by representatives of Brazil, China, Egypt, India, Iraq, Kenya, Norway, Republic of Korea, Saudi Arabia, Spain (on behalf of the European Union), Switzerland and Suriname.

21. A representative of the Civil Society Forum made a statement giving the outcome of their deliberations.

22. A contact group was established under Ms. Inga Björk-Klevby (Sweden) to prepare a draft decision on the strategy for the engagement of civil society in the work of UNEP.

23. At the end of its deliberations, the contact group submitted an agreed text in the form of a draft decision which the Committee considered and approved for transmission to plenary (for the text of the decision adopted by plenary see decision SS.VII/5 in annex I to the present report).

(d) Global Programme of Action for the Protection of the Marine Environment from Land-based Activities

24. In his introduction of this sub-item, the Deputy Executive Director drew attention to the report of the first Intergovernmental Review Meeting on the Implementation of the Global Programme of Action for the Protection of the Marine Environment from Land-based Activities (UNEP/GCSS.VII/4/Add.4) and the Montreal Ministerial Declaration contained in its annex. A draft decision prepared by the Intergovernmental Review Meeting was set out in paragraph 19 of document UNEP/GCSS.VII/4/Add.4.

25. During the general discussion of the sub-item, statements were made by representatives of Canada, Côte d'Ivoire, Indonesia, Japan, Saudi Arabia, Senegal, South Africa, Spain (on behalf of the European Union) and the United States of America.

26. The secretariat responded to questions raised and comments made by representatives on the item.

27. At the end of its deliberations on the sub-item, the Committee considered and approved a draft decision summarizing the discussions held on the sub-item for transmission to plenary (for the text of the decision adopted by plenary, see decision SS.VII/6 in annex I to the present report).

(e) Environmental situation in the Occupied Palestinian Territories

28. In his introduction to the sub-item, the Deputy Executive Director said that the situation in the Occupied Palestinian Territories remained unchanged, and thus the Executive Director had been unable to complete the report on the environmental situation requested by the Governing Council in its decision 21/16. He drew attention to the documentation on the issue (UNEP/GCSS.VII/4, paragraphs 156 to 158 and Add.3) and to a draft decision on the issue proposed by Egypt and Jordan with the support of other countries, which had been circulated as a conference room paper.

29. During the general discussion of the sub-item, statements were made by representatives of Algeria, Cuba, Egypt, Iran (Islamic Republic of), Iraq, Israel, Jordan, Libyan Arab Jamahiriya, Morocco, Oman and Saudi Arabia.

30. A member of the observer delegation for Palestine also made a statement.

31. The Committee decided to entrust the preparation of a text on the issue to an informal contact group chaired by the Executive Director. At the end of its deliberations, the contact group submitted a draft decision which had met the agreement of all parties concerned.

32. The Committee considered and approved the draft decision summarizing the discussions held on the sub-item, for transmission to plenary (for the text of the decision adopted by plenary, see decision SS.VII/7 in annex I to the present report)

(f) Implementation of the Malmö Declaration; international legal instruments Reflecting provisions contained in principle 10 of the Rio Declaration, Trade and environment; and support to Africa

33. In introducing the sub-item, the Deputy Executive Director said that the Governing Council had wished the Global Ministerial Environment Forum to pay special attention to four of its decisions taken at its twenty-first session. He drew attention to the paragraphs in document UNEP/GCSS.VII/4 addressing those issues: implementation of the Malmö Declaration (paras. 29 – 67); international legal instruments reflecting provisions contained in principle 10 of the Rio Declaration (paras. 82 – 89); trade and environment (paras. 90 – 96); and support to Africa (paras. 112 – 155).

34. During the general discussion on the sub-items, statements were made by representatives of Algeria, Burkina Faso, Gambia, Indonesia, Kenya, Senegal, Spain (on behalf of the European Union) and Switzerland.

35. A representative of the European Commission also made a statement.

36. At the end of its deliberations on the sub-item, the Committee considered a draft decision submitted by the European Union on international legal instruments reflecting provisions in principle 10 of the Rio Declaration. After due consideration, the draft decision was withdrawn by the sponsor.

(g) Financial resources

37. At its 4th meeting, on 14 February 2002, the Committee heard a report from the secretariat on the financial resources of UNEP. The report was introduced by the Deputy Executive Director who drew attention to document UNEP/GCSS.VII/4, which contained further details on the subject in its chapter II.

38. One representative requested clarification from the secretariat regarding the spread of the 10 per cent cut in the appropriations approved by the Governing Council for 2002, noting the concern that programmes that had been identified as priorities by the Governing Council (e.g., chemicals issues) would be provided with funding to carry out approved activities. A representative of the secretariat explained that, if and when the resources were restored, there would be an even-spread reallocation of funds.

39. At its 5th meeting, on 15 February 2002, the Committee of the Whole adopted the present report and the decisions contained in UNEP/GCSS.VII/L.2, as orally amended, by consensus.

Annex III

LIST OF DOCUMENTS BEFORE THE SEVENTH SPECIAL SESSION OF THE GOVERNING COUNCIL/GLOBAL MINISTERIAL ENVIRONMENT FORUM

Symbol	Title
UNEP/GCSS.VII/1	Provisional agenda
UNEP/GCSS.VII/1/Add.1	Annotated provisional agenda and organization of the work
UNEP/GCSS.VII/2	International environmental governance
UNEP/GCSS.VII/3 and Corr.1	Contribution of the United Nations Environment Programme to the preparations for the World Summit on Sustainable Development
UNEP/GCSS.VII/4	Report on the implementation of the decisions adopted at the twenty-first session of the Governing Council/Global Ministerial Environment Forum
UNEP/GCSS.VII/4/Add.1	Draft strategy for enhancing the engagement of civil society in the work of the United Nations Environment Programme
UNEP/GCSS.VII/4/Add.2	Draft guidelines on compliance with and enforcement of multilateral environmental agreements
UNEP/GCSS.VII/4/Add.3	Environmental situation in the Occupied Palestinian Territories
UNEP/GCSS.VII/4/Add.4	The first Intergovernmental Review Meeting on the Implementation of the Global Programme of Action for the Protection of the Marine Environment from Land-based Activities
UNEP/GCSS.VII/5	Policy statement of the Executive Director
UNEP/GCSS.VII/INF/1	Strategic approach to international chemicals management
UNEP/GCSS.VII/INF/1/Add.1	Main points in responses
UNEP/GCSS.VII/INF/1/Add.2	Main points of responses
UNEP/GCSS.VII/INF/2 and Corr.1	Contribution of the United Nations Environment Programme to the implementation of Agenda 21 and the Programme for the Further Implementation of Agenda 21
UNEP/GCSS.VII/INF/3	Issues of concern
UNEP/GCSS.VII/INF/3/Add.1	Discussion paper
UNEP/GCSS.VII/INF/4	Business, industry and Agenda 21: paving the way for sustainable entrepreneurship
UNEP/GCSS.VII/INF/5	Report of the Fourth Global Meeting of Regional Seas Conventions and Action Plans, Montreal, 21-23 November 2001

UNEP/GCSS.VII/INF/6	Issues arising from the resolutions of the General Assembly at its fifty-sixth session, specifically calling for action by the United Nations Environment Programme
UNEP/GCSS.VII/INF/7	International legal instruments reflecting provisions contained in principle 10 of the Rio Declaration on environment and development
UNEP/GCSS.VII/INF/8	Status of the Environment Fund and other sources of funding for the United Nations Environment Programme
UNEP/GCSS.VII/INF/10	Chairman's paper on the second session of the Preparatory Committee for the World Summit on Sustainable Development as well as proposals for partnerships/initiatives to strengthen the implementation of Agenda 21
UNEP/GCSS.VII/L.1	Draft decisions submitted by the Committee of Permanent Representatives

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